

90-399

Supreme Court, U.S.
FILED
SEP 4 1990
JOSEPH F. SPANIOLO, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

NO. _____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner.

vs

GOVERNMENT OF THE UNITED STATES OF
AMERICA; CLARENCE THOMAS, Chairman,
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;
HONORABLE OTIS R. BOWEN, Secretary,
DEPARTMENT OF HEALTH & HUMAN SERVICES;
HONORABLE EDWIN MEESE, Attorney General,
DEPARTMENT OF JUSTICE; and HARRY N. WALTERS,
Secretary, DEPARTMENT OF VETERANS AFFAIRS,

Respondents.

PETITION FOR WRIT OF CERTIORARI

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT



QUESTIONS PRESENTED FOR REVIEW

This is a case in which the district court denied the petitioner's claims under the Freedom of Information Act (FOIA) and apparently dismissed his claim regarding the U.S. Department of Health and Human Services (DHHS) refusal to hire him as Associate Superintendent for Administration for the St. Elizabeths Hospital of Washington, D.C. Also, at the appellate level sanctions in the form of attorney fees were imposed on the petitioner for appealing the decisions of the district court. If this Court grants the petition, it will have to decide whether the rights of the petitioner were abridged by the lower courts' decisions. More specifically:

1. Whether the district court abused its discretion when it refused to render an opinion regarding the petitioner's claim

that he was unlawfully denied employment by DHHS. See Appendix H.

2. Whether the decisions in this case are contrary to decisions of this Court and the other courts of appeals. More specifically whether petitioner stated a cause of action when he alleged that he had been unlawfully denied employment AND that he had been unlawfully denied information/documents under the FOIA.

3. Whether the district court's denial of petitioner's request under the FOIA was clearly erroneous and a clear abuse of discretion. See App C-G and I, K, M-Q.

4. Whether a complaint (alleging a conspiracy to deprive), based on numerous and repeated denials of information (App I, K, M-Q) filed pursuant to the FOIA (5 USC 552(a)(4)(B)) is sufficient "to state a claim which relief could be granted."

5. Whether the court of appeals

clearly abused its discretion when it imposed sanctions upon the petitioner, WITHOUT determining the merits of his various claims.

6. Whether an appeal is frivolous when it is based, among other things, on the continuing denial, by federal agencies, of information under the FOIA. See App I, K, O and Q.

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OPINIONS DELIVERED IN THE CASE

In July 1977 the petitioner was fired by the State of Maryland in retaliation for requesting equal pay for comparable work. A charge of discrimination was filed with DHHS. It was almost eight years before DHHS processed the charge, and as a result the petitioner's Title VI claims were dismissed. See Sup Ct Docket Nos 89-1256 and 90-277 (Wrenn v. McFadden).

Since filing the charge against the State of Maryland the petitioner has not been able to obtain employment with any of the more than 6000 hospitals in America. The petitioner has filed charges against those public and private employers he believed denied him employment because of his race and/or retaliation. Most of the charges were not investigated and/or processed by the EEOC (App L-P and DHHS (App H-K). The petitioner filed lawsuits against

those employers that the EEOC found probable cause and those federal agencies that denied him equal employment opportunity, and the EEOC, Justice and DHHS for conspiring to interfere with his attempts to vindicate his civil, legal and constitutional rights. The actions by the federal agencies have included, but not limited to, the action of the Department of Justice. To the disappointment and surprise of the petitioner, instead of assisting him, the Department of Justice assisted those who had denied him equal employment opportunity.

(See App Q-S).

DHHS, as part of its attempt to deprive the petitioner of his legal rights under Title VI, has refused to process and/or investigate petitioner's charges (App J). In addition, DHHS has denied the petitioner equal employment opportunity (App H), and has made false criminal accusations against

him and has refused to provide him with information under the FOIA regarding these allegations (App G and K).

The petitioner filed a complaint in the district court in which he claimed that he had been denied equal employment opportunity, in violation of Title VII and that he had been unlawfully denied information under the FOIA/Privacy Act.

The district court dismissed the claims, allegedly because of a failure to state a claim which relief could be granted. The court did not disclose the disposition of the petitioner's Title VII claim. (See App C-G).

A timely appeal was filed, and was denied by the court of appeals. In addition, the court of appeals, on its own motion, imposed sanctions (\$500.00 fine) against the petitioner for filing the appeal. (See A-B).

JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked under Title 28, United States Code, Sections 1254(1), 1651 and 1915. This Court is being asked to review the continuing actions by the Second Circuit Court of Appeals to deprive the petitioner of his civil, legal and constitutional rights.

Jurisdiction is also invoked under the Constitution and laws of the United States, including but not limited to the First and Fourteenth Amendments, Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Freedom of Information Act/Privacy Act, in that the decisions of the lower courts would deprive the petitioner of free speech, procedural due process and would deny him access to information regarding a conspiracy to deprive him of rights.

privileges and immunities secured to him by the Constitution and laws of the United States.

The jurisdiction of this Court is also invoked to review the actions of the lower courts, in that they have rendered decisions which are contrary to decisions of this Court and the other courts of appeals.

This Court is being asked to review the decisions of the district court and the court of appeals, in that both courts have made decisions against the petitioner without considering the facts and applicable caselaw. If this decision is permitted to stand it will further encourage employers throughout America to continue their practice of denying the petitioner equal employment opportunity. More importantly, it would encourage the federal respondents to continue their concerted actions against the petitioner by taking action to stigmatize his name and reputation.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

Congress shall make no law . . .
abridging the freedom of speech . . .;
or the right of the people to peaceably
. . . to petition the Government for a
redress of grievances.

United States Constitution, Amendment V:

Nor shall any person . . . be deprived
of life, liberty, or property, without
due process of law . . .

United States Constitution, Amendment XIV:

Nor deny to any person within its
jurisdiction the equal protection
of the laws.

STATEMENT OF THE CASE

This case concerns the petitioner's claims filed December 23, 1985 in which he alleged that the federal agencies (DHHS, EEOC and Justice) had conspired to deprive him of rights, privileges and immunities secured by the Constitution and laws of the United States, including, but not limited to, the First and Fourteenth Amendments, Titles VI and VII of the Civil Rights Act of 1964, as amended, and the FOIA/Privacy Act.

The FOIA (5 USC 552(a)(4) provides in relevant parts that:

"(B) On complaint, the district court of the United States in the district in which the complainant resides, ... the court shall determine the matter de novo, ..." . . .

"(C) Notwithstanding any other provisions of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading ..." . . .

"(D) Except as to cases the court considers of greater importance, proceedings before the district court, ... take precedence on the docket over all cases and shall be assigned for hearing

and trial or for argument at the earliest practicable date and expedited in every way."

After the defendants failed to plead within the allowable thirty days, the petitioner filed Plaintiff's Motion for Default Judgment on or about April 3, 1986. The motion was unexplainably denied by the district court.

For almost three years the district court made no effort to comply with 5 USC 552(a)(4)(D). As a consequence, the petitioner filed his motion for summary judgment on or about May 1989. The motion was denied and the defendants' motion for dismissal was granted.

This case also concerns the denial of employment by DHHS, and the refusal of the EEOC and DHHS to process and/or investigate petitioner's charges of discrimination and the Department of Justice's acts of aiding and abetting those who denied the

petitioner employment, and the refusal of Justice to assist him in prosecuting those who discriminated against him.

REASONS FOR GRANTING WRIT

ARGUMENT I - IMPORTANT PUBLIC CONCERN

1. This writ should be granted because of the enormous public concern regarding the First and Fourteenth Amendments. More specifically, the respondents have conspired to deprive the petitioner of rights, privileges and immunities secured to him by the Constitution and laws of the United States. The acts have included: (1) denying equal employment opportunity to the petitioner (See Wrenn v. Benson (Sup Ct 88-6494) and Wrenn v. Department of Mental Health of Ohio (Sup Ct 88-6497), Decided April 17, 1989 (and the cases therein cited), (2) failing to carry out the laws of the United States, and (3) covering up their activities by denying the petitioner information under the

FOIA/Privacy Act.

2. The public also has great concerns regarding the district court's refusal to comply with a Congressional mandate (the FOIA), by among other things refusing to schedule a trial and/or hearing between the filing date of the complaint (December 23, 1985) and May 30, 1989, or almost four years.

ARGUMENT II - JURISDICTIONAL REQUIREMENTS OF
FOIA/PRIVACY ACT

3. The central issue in this case is whether the district court had jurisdiction to decide "de novo" the petitioner's FOIA/Privacy Act claims. The facts in this case indicate that the district court had jurisdiction after the petitioner exhausted the required administrative procedures, in that he filed timely requests for documents and/or information and was denied such by the responsible federal agency.

4. A writ of certiorari is warranted

in this case because of the irreparable harm to the petitioner resulting from the respondents' continuing efforts to stigmatize and defame him, and their continuing efforts to aid and abet private and public employers against him and thereby hindering and/or preventing his efforts to vindicate his civil rights.

5. The denial of information under the FOIA, without a de novo hearing and/or trial, is contrary to this Court's decision in U.S. Dept. of Justice v. Reporters, Cert. to CA DC, Sup Ct Case No 87-1379 (1989).

ARGUMENT III - FAILURE TO PROCESS CHARGES OF UNLAWFUL DISCRIMINATION

6. Petitioner submits that this writ should be granted because the EEOC's (App L-N) and DHHS' (App J) refusal to timely process his charges of unlawful discrimination, is a clear violation of Sec 706 of the Administrative Procedure Act (5 USC Sec 701

et seq). See, e.g. Doran v. Salem Inn, Inc. 422 U.S. 922, 931, 95 S. Ct. 2561, 45 L. Ed2d 648 (1975). The Act imposes a standard of unreasonable delay on agency action, and is designed to empower federal courts to compel agency action unlawfully withheld or unreasonably delayed.

7. By refusing to timely process the petitioner's charges, the respondents' have violated The EEOC Act. By so doing, the respondents have contravened guarantee of equal treatment, in violation of 42 USC 1981 and 1982, and 2000d, 2000d-1. See Young v. Pierce (DC Tex 1982), 544 F. Supp. 1010. for the holding that:

"To extent a plaintiff asserts that federal agency is violating terms of a federal statute by abdicating affirmative duty to eliminate discrimination, action is properly brought against the agency; in such circumstances, agency is a partner in discrimination, and may be held responsible for such complicity."

ARGUMENT IV - CONSPIRACY CLAIM

8. This cause of action is brought by the petitioner pursuant to 42 USC 1985(3) in that the respondents conspired to deprive him of equal employment opportunity, equal protection of the laws, equal privileges and immunities under the laws, and as a result of their action and/or inaction the petitioner has been injured in his person and has been deprived of rights, privileges and immunities secured by the Constitution and laws of the Under States. See, e.g., Carpenter v. Scott, - U.S. - , 103 S. Ct. 3352, 3356, 77 L.Ed.2d 1049 (1983).

9. This is an action in which a Negroid American has alleged that the conspiracy herein complained was animated against him for being an advocate of equal right for black people. Petitioner submits that this averment satisfied the discriminatory animus pleading requirement against the federal defendants under 42 USC 1983,

1985(3) and 1986. Moreover, the petitioner stated a cause of action for a conspiracy and cover-up under 42 USC 1983 and 1985(3).

10. The petitioner respectfully submits that the facts in this case demonstrate that his complaint in the USDC was stated with sufficient specificity to withstand an allegation that he failed to state a cause of action. The facts clearly demonstrate an averment of communication, consultation, cooperation, or command from which an agreement can be inferred. See, e.g., Weathers v. Ebert, 505 F.2d 514, 517 (4th Cir. 1974).

11. As a direct and proximate result of the conspiracy, the petitioner has been denied employment in his chosen profession of hospital and health care administration since July 1, 1978; denied information under the FOIA/Privacy Act; denied the opportunity to present legal claims under Titles VI and VII; and has been slandered and stig-

matized by actions of the respondents.

12. The district court abused its discretion when it failed to accept the plaintiff's allegations in his complaint as true, as the law requires it to do. See, e.g. Conley v. Gibson, 355 U.S. 47, 78 S. Ct. 99, 2 L.Ed.2d 80 (1957); Griffin v. Breckenridge, 403 U.S. 88, 102-03, 91 S. Ct. 1790, 1796-99, 29 L.Ed.2d 338 (1971).

13. The respondents have attempted to cover up their activities by making false statements to the petitioner and members of Congress (App I), and denying the petitioner information under the FOIA. The respondents' efforts were designed to hinder the petitioner's efforts gain "legal redress". The conspiracy was successful in hindering the plaintiff's efforts in this regard, by infringing on a protected constitutional right and by the fact he has been denied the equal protection of the laws. See, e.g., Logan v. Zimmerman Brush

Co., 455 U.S. 422, 428, 102 S. Ct. 1148,
1153, 71 L.Ed.2d 265 (1982); Barrett
v. United States, 689 F.2d 324, 332 (2nd Cir.
1982), cert. den. - U.S. -, 103 S. Ct. 3111,
77 L.Ed.2d 1366 (1983); Landrigan v. City of
Warwick, 628 F.2d 736, 744 (1st Cir. 1980).

ARGUMENT V - RULE 11 SANCTIONS

14. This Court is being asked to determine whether the court of appeals abused its discretion when it imposed Rule 11 sanctions on the petitioner for allegedly filing a frivolous appeal.

15. The court of appeals imposed Rule 11 sanctions on the petitioner for appealing a decision of the district court, after the latter dismissed his complaint.

16. Petitioner submits that the imposition of sanctions is a clear abuse of the court's discretion, in that there has been no showing and/or finding that the petitioner's appeal was frivolous and/or was

without foundation and/or was the result of bad faith and/or was groundless and/or was the result of contumacious conduct. The facts and legal argument of record clearly demonstrate that the complaint and appeal, which led to the imposition of sanctions were part of the petitioner's continuing efforts to vindicate his civil, legal and constitutional rights.

17. The court of appeals went awry in assessing the petition the cost of attorney fees, when the ONLY "wrong" he has been accused of is exercising the rights and privileges secured to him by the Constitution and laws of the United States. To "punish" the petitioner for trying to have the courts comply with the law and decisions of this Court is clearly contrary to the Constitution and laws of the United States.

18. The primary issue before this Court concerns whether the petitioner, or any citizen for that matter, has the right to

appeal perceived wrong doings by the district court's dismissal of petitioner's FOIA/Privacy Act claims and employment discrimination claim. A secondary issue is whether the court of appeals in a civil rights action has authority to order an appellant to pay legal fees of his opponent under Rule 11, and its standards, or whether the awarding of such fees is controlled by the Civil Rights Attorney's Fee Award Act, and the standards promulgated in Christianburg Garment Co. vs. EEOC, 434 U.S. 412, 423 98 S.Ct. 694, 701, 54 L.Ed.2d 648 (1978). In this case at bar, the court has not found that the petitioner's claim "was frivolous, unreasonable, or groundless, or that (he) continued to litigate after it clearly because so."

19. This case turns on the question of whether the petitioner's appeal of the district court's dismissal of his claims at the pre trial level was reasonable under the

circumstances. In arriving at a decision, the petitioner submits that the Court should apply an "objective standard of reasonableness" in determining whether the appeal was reasonable. See, e.g., INVST Financial Group, Inc. v. Chem-Nuclear Systems, Inc., 815 F.2d 391 (6th Cir.), cert. denied, 1098 S. Ct. 291 (1987); Community Elec. Service v. National Elec. Contr., 869 F.2d 1235 (9th cir. 1989).

20. Thus the issue before the Court concerns the "prevailing party" concept used in the Civil Rights Attorney 's Fees Award Act and the equal employment opportunity attorney's fees provision, versus the Rule 11 sanctions for various prohibited acts and/or filings. In the case at bar, the formers do not apply because there was no showing that the "prevailing" defendants were entitled to compensation because the

"plaintiff's claim was frivolous, unreasonable or without foundation." See, e.g., Doe v. Busbee, 684 F.2d 1375 (CA GA 1982).

21. Accordingly, an essential question is whether the court of appeals abused its discretion when it imposed Rule 11 sanctions, without rendering any findings, in this case involving a failure to hire, defamation, and denials of information under the FOIA/Privacy Act.

ARGUMENT VI - FAILURE TO HIRE

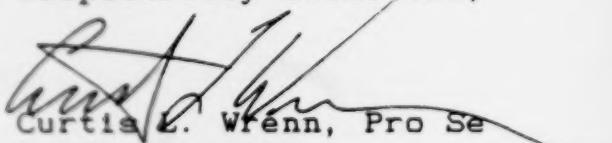
21. The petitioner submits that he established a prima facie case of discrimination regarding DHHS' refusal to hire him for the position of Associate Superintendent, in that he applied for a position which the employer was seeking applicants with his qualifications, that he met the objective qualifications announced by the

employer, but despite his qualifications he was not hired. See, e.g., Burrus v. United Telephone Co. of Kansas, Inc., 683 F.2d 339 (C.A. Kan. 1982).

CONCLUSION

Based upon the foregoing, this case should be remanded to the lower courts with instructions to either revoke the imposition of sanctions and/or hold a hearing to justify such impositions. Moreover, the courts should be directed to conduct a hearing and/or trial concerning the issues in this case.

Respectfully submitted,


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P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-7817



IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1990

NO _____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner.

vs

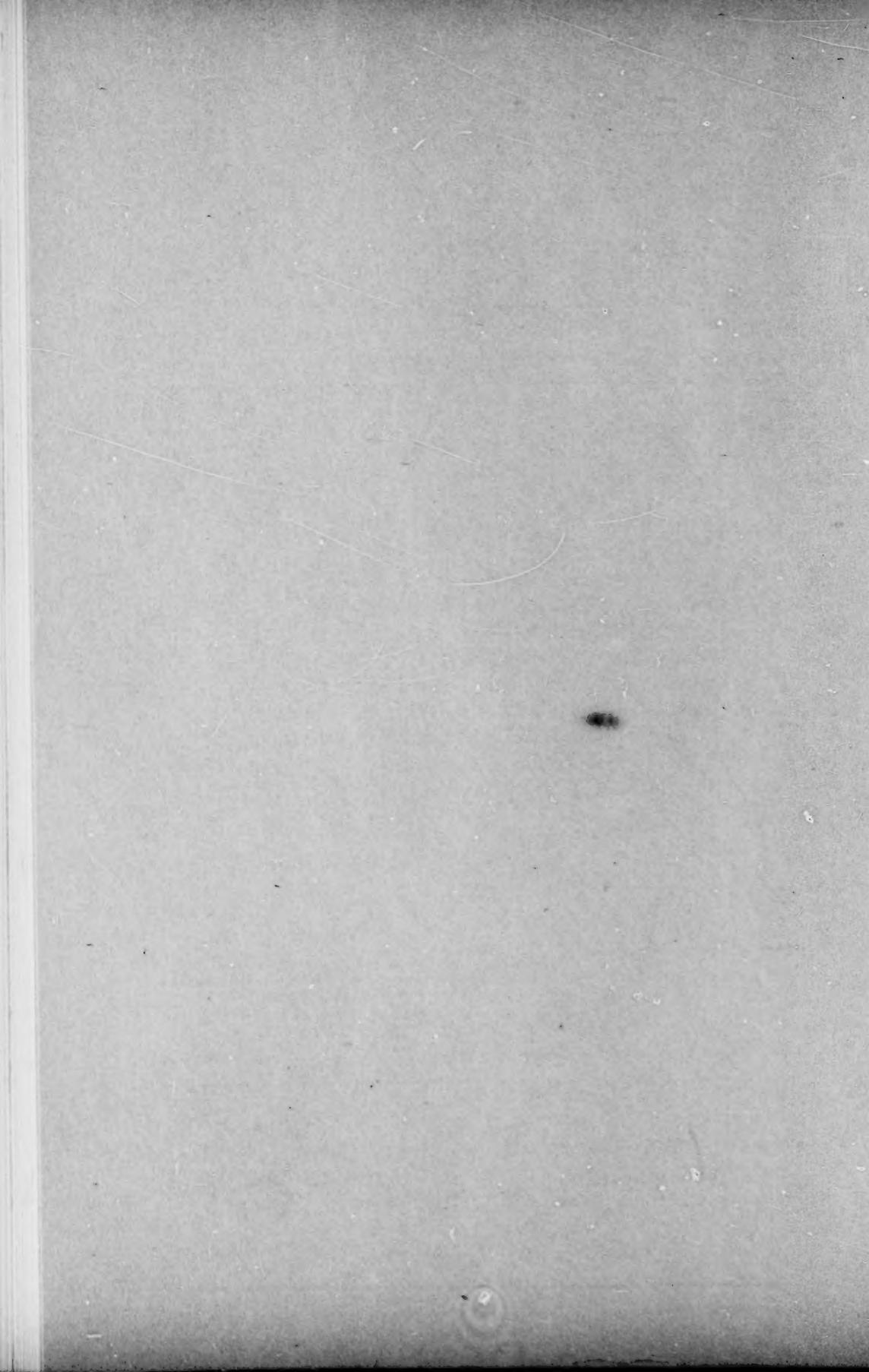
GOVERNMENT OF THE UNITED STATES OF
AMERICA; CLARENCE THOMAS, Chairman,
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;
HONORABLE OTIS R. BOWEN, Secretary,
DEPARTMENT OF HEALTH & HUMAN SERVICES;
HONORABLE EDWIN MEESE, Attorney General,
DEPARTMENT OF JUSTICE; and HARRY N. WALTERS,
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Respondents.

PETITIONER'S APPENDIXES

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT

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IN THE
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OCTOBER TERM, 1990

NO. _____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner.

vs

GOVERNMENT OF THE UNITED STATES OF
AMERICA; CLARENCE THOMAS, Chairman,
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;
HONORABLE OTIS R. BOWEN, Secretary,
DEPARTMENT OF HEALTH & HUMAN SERVICES;
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APPENDIX A
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UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

At a stated Term of the United States Court
of Appeals for the Second Circuit, held at the
United States Courthouse in the City of New York on
the 6th day of June, one thousand nine hundred and
ninety.

PRESENT:

HONORABLE WILFRED FEINBERG

HONORABLE JON O. NEWMAN

HONORABLE RICHARD J. CARDAMONE
Circuit Judges

-----X

CURTIS L. WRENN,

Plaintiff-Appellant,

- against -

90-6025

UNITED STATES OF AMERICA, et al.,

Defendants-Appellees.

-----X

Appeal from the United States District Court for the Northern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Northern District of New York, and was taken on submission.

UPON CONSIDERATION WHEREOF, it is hereby ordered, adjudged and decreed that the judgment of said district court is AFFIRMED.

1. Plaintiff Curtis L. Wrenn appeals prose from a January 3, 1990 order of the United States District Court for the Northern District of New York, Howard G. Munson, J., denying appellant's motion for reconsideration. Judgment dismissing appellant's complaint had previously been filed on September 29, 1989.

2. Appellant's principal claims on appeal appear to be that the district court abused its discretion, misinterpreted the facts in this case and misapplied various laws. We have carefully

examined all of appellant's claims, and they are without merit.

3. This is the latest in a series of completely meritless appeals that appellant has file. See, e.g., Wrenn v. Meese, No. 88-6087 (2d Cir. June 29, 1988) (summary order); Wrenn v. Secretary of U.S. Dep't of H&HS, N. 88-6037 (2d Cir. May 17, 1988) (same). We have previously cautioned Wrenn "that prosecuting any future frivolous appeals may well result in imposition of stern sanctions including, but not limited to double costs and damages pursuant to Fed. R. App. P. 38." Wrenn v. Meese, No. 88-6087, summary order at subsection 2. See also Wrenn v. Secretary, No. 88-6037, summary order (cautioning Wrenn). Appellant has thus been put on notice that the courts will not tolerate meritless proceedings, a category into which the present appeal surely falls. In light of this, we direct appellant to pay the appellees, in addition to costs on appeal, damages in the amount of \$500

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90-6025
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for bringing this frivolous appeal. See Fed. R. App. P. 38. The payment of damages should be by check made out to the United States and delivered to counsel for appellees.

4. The judgment of the district court is affirmed.

/s/Wilfred Feinberg

/s/Jon O. Newman

/s/Richard J. Cardamone

Circuit Judges

N.B. This summary order will not be published in the Federal Reporter and should not be cited or otherwise relied upon in unrelated cases before this or any other court.

APPENDIX B
Page 1 of 2 Pages

United States Court of Appeals

for the

NYDY
85-CV-1638
MUNSON

Second Circuit

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, in the City of New York on the day of August, one thousand nine hundred and ninety

CURTIS L. WRENN,
Plaintiff-Appellant.

-V-

DOCKET NUMBER

UNITED STATES OF AMERICA; CLARENCE THOMAS, Chairman, Equal Opportunity Commission; OTIS R. BOWEN, Secretary of Health and Human Services; EDWIN MEESE, Attorney General, Department of Justice and HARRY N. WALTERS, Administrator, Veterans Administration; Defendants-Appellees.

A petition for rehearing containing a suggestion
that the action be reheard in banc having been filed
herein by Appellant WRENN.

Upon consideration by the panel that decided the appeal, it is

Ordered that said petition for rehearing is DENIED.

It is further noted that the suggestion for rehearing in banc has been transmitted to the judges of the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

/s/Elaine B. Goldsmith
Clerk

APPENDIX C
Page 1 of 4 Pages

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN,

Plaintiff

v.

85-CV-1633

UNITED STATES OF AMERICA; CLARENCE THOMAS, Chairman, Equal Opportunity Commission; OTIS R. BOWEN, Secretary of Health and Human Services; THE HONORABLE EDWIN MEESE, Attorney General, Department of Justice and HARRY N. WALTERS, Administrator, Veterans Administration;

Defendants.

APPEARANCES:

OF COUNSEL:

CURTIS L. WRENN
Plaintiff, Pro Se
P.O. Box 203
Fort Drum, NY 13603

FREDERICK J. SCULLIN, JR. GEORGA A. YANTHIS, ESQ.
United States Attorney
Northern District of New York
U.S. Post Office & Courthouse
Albany, New York 12207

HOWARD G. MUNSON, J.

ORDER

At present plaintiff moves for reconsideration of

the court's dismissal of the instant action.

On September 29, 1989 the clerk of the court entered judgment in this case. The judgment read, in pertinent part:

It is Ordered and Adjudged that defendants' motion to dismiss the complaint is granted and the complaint is dismissed in this entirety pursuant to the Order of the Hon. Howard G. Munson in open Court on September 25, 1989 at Albany, New York.

Plaintiff did not appear on September 25, 1989 to argue the government's motion to dismiss. Moreover, plaintiff submitted no papers opposing the government's motion. Plaintiff does not provide excuses for these shortcomings in his motion for reconsideration, even though, given the language of the court's judgment, he must be aware that he was not in court to argue the motion. In addition, he is presumably aware that he did not submit papers in opposition to the motion.

Various arguments were raised by the defendants in their motion to dismiss. Defendants argue that there is no allegation that the federal officials who are named as defendants had any personal involvement in the alleged violations of plaintiff's

rights. Defendants also argue that the United States cannot be sued under the theory of constitutional tort. Finally, defendants maintain that the complaint is too conclusory to state claims of conspiracy to deprive an individual of his constitutional rights. Plaintiff's moving papers do not address a single argument raised in defendant's moving papers.¹

Previously, the court dismissed plaintiff's complaint because he failed to make a timely response to defendants' motion and he was deemed, therefore, to have waived his opposition to the defendants' motion. Rules for the Northern District of New York 10(g); Elmore v. Evans, 449 F. Supp. (E.D. Tenn. 1976), aff'd without decision, 577 F. 2d 740 (6th Cir. 1978); see Allen v. Marietta Bd. of

¹ The cases plaintiff cites stand for the well-known proposition that a party can only prevail on a motion made pursuant to Fed. R. Civ. P. 12(b)(6) when "it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" See e.g., Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (per curiam) (citing Conley v. Gibson, 355 U.S. 41, 45-46 (1957)). Plaintiff provides no case law contrary to defendants' arguments.

Lights and Water, Inc., 693 F. Supp. 1122, 1124 (N.D. Ga. 1987) (refusing to reconsider summary judgment motion which had been granted due to lack of opposition); Jones v. Coldway Rentals, Inc., 31 F.R.D. 581 (E.D. Pa. 1962) (failure to respond to summary judgment motion is deemed waiver of opposition). Even at this stage, plaintiff has not provided any reason, much less good cause, for his failure to oppose defendants' motion. Moreover, defendants' arguments remain unchallenged. For all of the foregoing reasons, plaintiff's motion for reconsideration is denied.

It is So Ordered.

Dated: January 3, 1990

Syracuse, New York

/s/Howard G. Munson
United States
District Judge

APPENDIX D
Page 1 of 7 Pages

CURTIS L. WRENN,

Plaintiff-Appellant,

vs

Docket No.
90-6025

UNITED STATES OF AMERICA; CLARENCE THOMAS, Chairman, Equal Opportunity Commission; OTIS R. BOWEN, Secretary of Health and Human Services; THE HONORABLE EDWIN MEESE, Attorney General, Department of Justice and HARRY N. WALTERS, Administrator, Veterans Administration;

Defendants-Appellees.

PLAINTIFF-APPELLANT'S APPEAL MEMORANDUM

COMES NOW THE PLAINTIFF-APPELLANT and appeals the decision of the United States District Court for the Northern District of New York of January 4, 1990. The memorandum of appeals is made on the basis that the district court (1) abused its discretion, (2) misinterpreted the facts in this case, (3) misapplied the laws governing federal employment, (4) misapplied the laws governing unlawful employment practices, and misinterpreted the intent of the United States Congress in enacting Title VII

of the Civil Rights Act of 1964, as amended.

The following cases are related to the action herein complained of: Docket Nos: 87-6157/87-6199; 88-6037; 87-6121; 89-3043; 90-6019; and 90-6089.

A memorandum in support is submitted.

Respectfully submitted,

/s/Curtis L. Wrenn
Curtis L. Wrenn, Pro Se

MEMORANDUM IN SUPPORT

I. BACKGROUND:

1. This case concerns the appellant's allegation that the respondents, since at least 1978, have conspired to prevent his employment in his chosen profession of hospital and health care administration. Appellant has also alleged that the appellees have conspired to deny him equal employment opportunity because of his race (Negroid) and/or his age (date of birth February 14, 1930) and/or retaliation (because of his previous opposition to unlawful employment practices).

2. The appellant has also alleged that the appellees have conspired to deny him legal redress

by, among other things, refusing to investigate charges of employment discrimination filed by him, aiding and abetting those who have discriminated against him, and refusing to assist the appellant in at least twenty four cases in which federal and/or state agencies found "reasonable cause" to believe that the appellant had been discriminated against.

3. The facts in the case are represented by the entire case file which include the following exhibits:

a. Charges of employment discrimination and other complaints have not been processed and/or investigated. See Exhibits 1 and 3; the latter shows the deliberate efforts by DHHS to prevent the processing of appellant's charges by its employees. See also Exhibits 5 and 8.

b. Denial of employment. Exhibits 2 and 6.

c. Aiding and abetting by Justice Department. Exhibit 4.

d. The EEOC's failure to monitor a settlement agreement. Exhibit 7.

e. False accusations of criminal acts.

Exhibits 9 and 10.

II. REASONS FOR GRANTING THE APPEAL:

1. The facts in this case demonstrate concerted efforts by the appellees and others to: (1) deny the appellant equal justice, (2) deny him equal employment opportunity, (3) to deprive him of legal redress against employers who have discriminated against him, and (4) to deprive the appellant of the equal protection of the laws or equal privileges and immunities under the laws. As a proximate result of the concerted actions and/or inactions and/or refusal to act and/or willful disregard of a Congressional mandate (Title VII) by the appellees, the appellant has been unable to obtain employment in his chosen profession of hospital and health care administration. Thus the appellant has been injured as a result of being denied employment and legal redress.

2. Because the appellant has exercised his First Amendment right and opposed racial discrimination, the appellees have targeted him as a proponent of racial justice. In an attempt to prevent and/or

curtail his activities the appellees have assisted those who opposed racial justice while at the same time refusing to assist the appellant.

3. The facts of record demonstrate that the appellees have conspired to deny the appellant equal protection by, among other things, refusing to assist him while at the same time assisting others. See, e.g., Sebastian v. U.S., (CA Ark. 1976), 531 f.2d 900 cert. denied 97 S. Ct. 153, 429, U.S. 856, 50 L.Ed.2fd 133.

4. Appellant submits that he is a member of that class of U.S. citizens who have opposed racial discrimination in employment by, among other things, filing charges and/or lawsuits. The appellant has alleged that the appellees actions were animated against him because he advocated equal employment opportunity for Negroid Americans. The appellees' actions were taken to deprive this class of persons the equal protection of the laws, and/or the equal privileges or immunities under the laws. As a result, the appellant has been irreparably harmed, including but not limited to being unable to obtain

employment in his chosen profession. Thus, there is clearly a class based invidiously discriminatory animus behind the appellees' action. See, e.g., Griffin v. Breckenridge, 403 U.S. at 102, 91 S. Ct. at 1798. See also, Conley v. Gibson, 355 U.S. 41, 78 S. Ct. 99, 2 L.Ed.2d 80 (1957).

5. the "conspiracy" in this case is clearly demonstrated by the refusal of the two responsible federal agencies to process appellant's discrimination complaints, and the communication by the Justice Department which shows consultation and/or efforts to hinder the appellant's attempts to gain legal redress. See, e.g., Weathers v. Ebert (4th Cir 1974) 505 F.2d 514, 517.

6. In summary, the action by the Justice Department to "communicate" with attorneys opposing the appellant's attempts to obtain legal redress, and by monitoring the appellant's activities on behalf of them AND by refusing to take ANY action to stop them, sufficiently alleged claims under the statute which protects against conspiracies to interfere with civil rights. 42 USC 1985(3).

7. Based upon the foregoing, this appeal should be granted and this case remanded to the district court for hearing on the merits.

Respectfully submitted,

/s/Curtis L. Wrenn
Curtis L. Wrenn, Pro Se
P.O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-7817

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to George A. Yanthis, Esq., AUSA, U. S. Post Office & Courthouse, Albany, NY 12207 March 22, 1990, via U. S. mail, postage prepaid.

/s/Curtis L. Wrenn

APPENDIX E
Page 1 of 3 Pages

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN,

Plaintiff

v.

85-CV-1638

UNITED STATES OF AMERICA; CLARENCE THOMAS, Chairman, Equal Opportunity Commission; OTIS R. BOWEN, Secretary of Health and Human Services; THE HONORABLE EDWIN MEESE, Attorney General, Department of Justice and HARRY N. WALTERS, Administrator, Veterans Administration;

Defendants.

APPEARANCES:

CURTIS L. WRENN
Plaintiff, Pro Se
P.O. Box 203
Fort Drum, NY 13603

OF COUNSEL:

FREDERICK J. SCULLIN, JR. GEORGA A. YANTHIS, ESQ.
United States Attorney Assistant U.S. Attorney
Northern District of New York
U.S. Post Office & Courthouse
Albany, New York 12207

HOWARD G. MUNSON, J.

ORDER

Plaintiff moves for reconsideration on the ground

that this court overlooked, misconstrued and/or failed to consider several claims which he presented. The court recognizes that the Memorandum-Decision and Order signed July 7, 1989 denied plaintiff's motion for summary judgment primarily on the ground that plaintiff had not produced sufficient evidence to compel a conclusion that the conspiracies alleged had indeed occurred. Furthermore, the court recognizes that the complaint presents allegations of wrong doing beyond the conspiracies alleged.

However, there can be no doubt that that each count of the complaint in this action alleges conspiracy. As a result, even if the court were to grant plaintiff partial summary judgment, portions of every count would still remain for trial. In this regard it has been held that, even if plaintiff were correct that there are no material disputed issues of fact as to some issues, this court may properly deny summary judgment in order to achieve orderly or expeditious handling of the entire litigation. Powell v. Radkins, 506 f.2d 763 (5th

Cir.), cert. denied 423 U.S. 873 91975). It is this court's opinion that, even if plaintiff were correct that he is entitled to partial summary judgment, granting partial summary judgment would not materially expedite the adjudicative process. C. Wright, A. Miller & M. Kane, Federal Practice and Procedures: Civil 2d Subsection 2737, at 460 (1983).

Consequently, the motion for reconsideration, which in essence asks this court to consider entering partial summary judgment, is denied. The motion is marked off the September 15, 1989 motion calendar.

It is So Ordered.

Dated: September 12, 1989

Syracuse, NY

/s/Howard G. Munson
United States
District Judge

APPENDIX F
Page 1 of 5 Pages

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN,

Plaintiff

vs.

- 85-CV-1638

GOVERNMENT OF THE UNITED STATES
OF AMERICA; CLARENCE THOMAS,
Chairman, Equal Opportunity
Commission; OTIS R. BOWEN, Secretary
of Health and Human Services; THE
HONORABLE EDWIN MEESE, Attorney
General, Department of Justice and
HARRY N. WALTERS, Administrator,
Veterans Administration;

Defendants.

APPEARANCES:

OF COUNSEL:

CURTIS L. WRENN
Plaintiff, Pro Se
P.O. Box 203
Fort Drum, NY 13603

FREDERICK J. SCULLIN, JR. GEORGA A. YANTHIS, ESQ.
United States Attorney Assistant U.S. Attorney
Northern District of New York
U.S. Post Office & Courthouse
Albany, New York 12207

HOWARD G. MUNSON, J.

MEMORANDUM-DECISION AND ORDER

The complaint in this action was filed on January 23, 1985. As of the filing of the complaint, plaintiff was a black male seeking employment in the health care industry. In his memorandum of law plaintiff claims that since 1978 he has been denied more than 2500 positions by both public and private employers in the health care field.

Plaintiff's claim is that the defendants have joined in a conspiracy to deprive him of his constitutional rights and privileges under the fourteenth amendment of the Constitution of the United States. According to plaintiff, this deprivation was caused by defendants' failure to enforce the Equal Employment Opportunity Act of 1972 ("EEOA").

Plaintiff asserts that the defendants have failed to enforce the EEOA by refusing to prevent recurring acts of discrimination against the plaintiff. Additionally, plaintiff asserts that in a scheme to refuse employment to plaintiff due to his race and his past record of activism in the health care industry. The plaintiff now moves for summary

judgment. The only evidence he submits in support of this motion are the documents attached to his complaint.

As the moving party plaintiff bears the initial burden of "identifying those portions of the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, which it believes demonstrates the absence of a genuine issue of fact." Celotex Corp. v. Catrett, 106 S. Ct. 2548, 2553 (1986). Further, he must demonstrate that after drawing all reasonable inferences in favor of the party against whom summary judgment is sought, no reasonable trier of fact could find in favor of the nonmoving parties. H.L. Hayden Co. of New York, Inc. v. Siemens Medical Systems, Inc., No. 88-7121, slip op. at 7611 (2d Cir. June 12, 1989); see Anderson v. Liberty Lobby, Inc., 447 U.S. 242, 247 (1986).

In the instant case, plaintiff has offered a collection of letters in an attempt to show the existence of a conspiracy. These letters include, inter alia, a refusal on the part of the Equal

Employment Opportunity Commission to file an amicus brief on behalf of the plaintiff, correspondence concerning the plaintiff, several letters to the Department of Health, Education, and Welfare requesting an investigation into discrimination charges, requests for documents under the Freedom of Information Act and refusals to grant those requests.

These letters are far from conclusive for purposes of summary judgment, see Anderson, 447 U.S. 242, 247, especially since conspiracy is the sole allegation. The Second Circuit has consistently held that claims of conspiracy to deprive a person of constitutional rights require a higher standard of evidence than do other claims. Sommer v. Dixon, 709 F.2d 173, 174 (2d Cir. 1983), cert. denied, 646 U.S. 857 (1983); Angola v. Civiletti, 666 F.2d 1, 4 (2d Cir. 1981). Because such claims are easily made and can precipitate tremendous disruption of governmental functions, the courts have demanded that claimants produce substantial evidence of specific instances of conspiracy. Sommer v. Dixon,

709 F.2d 173, 175.

The plaintiff's evidence is not so overwhelming as to lead this court to conclude that no reasonable trier of fact could hold in favor of the nonmoving parties. Accordingly, the court denies the plaintiff's motion for summary judgment.

It is So Ordered.

Dated: July 7, 1989

Syracuse, New York.

/s/Howard G. Munson
United States
District Judge

APPENDIX G
Page 1 of 24 Pages

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN
RD 1 Box 218
Nassau, NY 12123,

CIVIL ACTION NO
85-CV-1638

Plaintiff,

vs.

GOVERNMENT OF THE UNITED
STATES OF AMERICA
The White House
Washington, D.C.

COMPLAINT WITH
JURY DEMAND

-and-

CLARENCE THOMAS, CHAIRMAN,
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
2401 E. Street, N.W.
Washington, d. C. 20507

-and-

THE HONORABLE OTIS R. BOWEN,
SECRETARY, DEPARTMENT OF HEALTH
& HUMAN SERVICES
200 Independence Avenue, SW
Washington, D. C. 20201

-and-

THE HONORABLE EDWIN MEESE,
ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

-and-

HARRY N. WALTERS, ADMINISTRATOR
VETERANS ADMINISTRATION
810 Vermont Avenue, N.W.
Washington, D. C. 20420,

Defendants.

I. COMPLAINT

COMES NOW Plaintiff, Curtis L. Wrenn, and alleges and complains of the Government of the United States of America (hereinafter "USA"); Clarence Thomas, Chairman, Equal Employment Opportunity Commission (hereinafter "EEOC"); The Honorable Otis R. Bowen, Secretary, Department of Health & Human Services (hereinafter "DHSS"); the Honorable Edwin Meese, Attorney General (hereinafter "Justice"); and Harry N. Walters, Administrator, Veterans Administration (hereinafter "VA"). Plaintiff is a black male citizen of Rensselaer County, NY.

II. PRELIMINARY STATEMENT

Plaintiff brings this action for defendants conspiring to interfere with and/or deprive plaintiff of rights, privileges or immunities secured by the Constitution and laws of the United States of America, because of said plaintiff's race

(black and because he previously opposed employment practices made unlawful by the Constitution and laws of the United States. Moreover, plaintiff brings this action for the defendants:

1. Conspiring to interfere with plaintiff's human, civil, legal, and constitutional rights because of his race.
2. Conspiring to prevent plaintiff from the exercise of rights, privileges or immunities secured by the Constitution and laws of the United States because of plaintiff's race and because of his attempts to exercise his First Amendment rights.
3. Conspiring to stigmatize plaintiff by presenting and/or representing him in such a manner as to cause his name, reputation, honor, and integrity to be called into question.
4. Conspiring to deprive plaintiff of the equal protection of the Constitution and laws of the United States, because of his race and because of his previous opposition to employment discrimination in the health care industry in America.
5. Conspiring to intimidate plaintiff and

discourage him from pursuing administrative and/or legal actions to vindicate his civil rights, and his legal and constitutional rights.

6. Conspiring to deprive plaintiff of the equal protection, privileges and immunities secured by the Constitution and laws of the United States because he has:

(1) Opposed employment practices made unlawful by the Constitution and laws of the United States.

(2) Participated in administrative and legal proceedings including filing charges and lawsuits in protesting employment discrimination against him.

(3) Testified in Federal Courts against the unlawful discrimination visited upon him.

(4) Complained of the defendants' failure to prevent employment discrimination against plaintiff and other similarly situated black persons in the United States of America.

7. Conspiring to "neutralize" plaintiff's protest against defendants and others who have unlawfully discriminated against him because of his

race and his previous opposition to unlawful
employment discrimination.

III. JURISDICTION

In this action for declaratory relief, injunctive relief and damages to redress the deprivation of rights secured to the plaintiff by the Constitution and laws of the United States, jurisdiction of this Court is invoked pursuant to 28 USC Section 1343 and 42 USC Sections 1981, 1985(3) and 1986.

The jurisdiction of this Court is also invoked pursuant to the provisions of 28 USC 1343(4), this being an action in equity and a suit authorized by law to be commenced by any person to recover damages. This suit is an action for declaratory relief, compensatory and punitive damages, injunctive relief, and damages to redress the deprivation of rights, privileges or immunities secured to the plaintiff by the Constitution and laws of the United States. The jurisdiction of this Court is also invoked pursuant to the Fourteenth Amendment to the United States Constitution and The Klu Klux Klan Act of 1871. (42 USC 1985(3)), which

prohibits conspiracies formed for the purpose of depriving any person of the equal protection of the laws or of equal privileges and immunities under the laws. Plaintiff brings this action on the basis of:

1. That he is a member of a "class" who have protested and/or otherwise opposed employment discrimination. Scott v. Moore (CA 5 Tex 1981) 640 F.2d 708.

2. Racial or otherwise class-based invidiously discriminatory animus. Griffin v. Breckenridge (1971) 403 US 88, 29 L Ed 338, 91 S. Ct. 1970; Jennings v. Shuman (CA 3 Pa 1977) 567 F2d 1213; Scott v. Moore; A & A Concrete Inc. v. White Mountain Apache Tribe (CA Ariz 1982) 676 F2d 1330.

3. He has been injured as a direct and proximate result of the conspiracy. Novotny v. Great American Federal Savings and Loan Assoc., (3rd CA 1978), 584 F2d 1235; Lenard v. Argento, (CA IL 1983) 699 F2d 874, cert. denied 104 S Ct 69; Vietnamese Fishermen's Assn's v. Knights of Ku Klux Klan, (D.C. Tex 1981) 518 F. Supp. 993.

Jurisdiction is also invoked pursuant to 42 USC

1986, which prohibits conspiracy to interfere with civil rights and/or for neglecting to prevent such violation. The defendants have conspired to deprive plaintiff of the equal rights, privileges or immunities of the Constitution and Laws of the United States because plaintiff has advocated equal rights for black people. Clem v. Erlbaum, (U.S.D.C. E.D. Pa 1984), 584 F. Supp. 909.

The jurisdiction of this Court is also invoked pursuant to the Federal Tort Claims Act of 1946 (28 USC 1346(b), 2671 et seq.)

IV. CLAIMS

The following claims are based upon a continuing violation of the Fourteenth Amendment to the U. S. constitution, and 42 USC Sections 1981, 1985(1), (2) and (3) and 1986, in that defendants have conspired to deprive plaintiff of the equal protection of the laws, or the equal privileges or immunities under the laws. As a direct and proximate result of defendants' actions and/or inactions plaintiff suffered irreparable harm, including but not limited to redress freedom of speech.

The defendants have conspired to interfere with plaintiff's civil rights; to deprive him of rights; to stigmatize him; and conspired to defame plaintiff's name, reputation and honor, in violation of 42 USC 1981 and 1985(1), (2) and (3).

The defendants have conspired to deprive plaintiff of the right to pursue employment discrimination claims in Federal District Courts by refusing to process charges of unlawful employment discrimination which he filed under Titles VI and VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967.

Plaintiff submits that the four named federal officials and at least five unknown officials have conspired to deprive him of rights, privileges or immunities secured to plaintiff by the Constitution and laws of the United States in their individual capacity. Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

COUNT I:

The Defendant Justice Department has intentionally, through unauthorized surveillance

activities by the U. S. Attorney, conspired to interfere with plaintiff's civil, legal and constitutional right of Freedom of Speech and due process as secured by the Fourteenth Amendment to the United States Constitution. Moreover, Justice has conspired to deprive plaintiff of the opportunity to pursue his claims in federal court by conducting a retaliatory campaign against him for protesting racial discrimination in employment in the health care industry. Also, Justice by its actions and/or inaction, has stigmatized and defamed plaintiff's name, reputation and honor. The defendant has conspired to injure plaintiff's name, reputation and honor by subjecting him to an ostentatious and prolonged surveillance by the U.S. Attorney and others, and thereby proclaiming to the public that plaintiff deserved surveillance. Board of Regents v. Roth, 408 U. S. 564, 92 S. Ct. 2701 (1972). A copy of the correspondence pertaining to the defendant's surveillance activities is incorporated herein as Exhibit A expressly by reference as though fully set forth.

COUNT II:

The Defendant EEOC has conspired to deprive plaintiff of the right to vindicate his civil rights, a right secured by the Constitution and laws of the United States. Moreover, the defendant did, with a wanton disregard for plaintiff's rights, intentionally and maliciously act in such a manner as to deny him rights, privileges or immunities secured by the Constitution and laws of the United States. Specifically, the EEOC, through nonfeasance, negligence, malfeasance and misfeasance, has precluded plaintiff from vindicating his civil rights in connection with a civil action he filed against the University of Maryland Hospital, Baltimore, Maryland. The EEOC alleged and thereby persuaded the U. S. District Court that plaintiff's charge of unlawful employment termination was untimely, while knowing the statement and/or allegation not to be true nor supported by any information available in its file. Such conspiracy is a violation of 42 USC 1985(3), in that the defendant's action deprived plaintiff of

the the equal rights of the Constitution and laws of the United States because of his race. Griffin v. Breckenridge, 403 US 88, 29 L ed 2d 338, 91 S Ct 1790. correspondence pertaining to the EEOC's action is incorporated herein as Exhibit B.

COUNT III:

The Defendant DHSS has conspired to deprive plaintiff of rights, privileges or immunities secured by the Constitution and laws of the United States. Without any notice to plaintiff, the defendant conducted and/or is conducting an unwarranted investigation of plaintiff. Said investigation was intentionally made to defame, slander and libel plaintiff. The defendant sole motive for making the investigation was to stigmatize plaintiff and thereby prevent employment by him in his chosen profession of hospital and health care administration, in violation of 42 USC 1985(3). Defendant's action was motivated by plaintiff's race and in retaliation for his opposition to employment practices made unlawful by the Constitution and laws of the United States,

prohibiting action to deprive, prevent and/or interfere with one's civil rights. Defendant's action having been directed toward plaintiff because he is an advocate of equal rights for black people. Carpenter v. Scott, U.S. 103 S. Ct. 3352, 3356, 77 L Ed.2d 1049 (1983); Griffin v. Breckenridge, 403 U.S. 88, 102-103, 91 S. Ct. 1790, 1798-99, 29 L Ed.2d 338 (1971). correspondence pertaining to defendant's investigation is incorporated herein expressly by reference as Exhibit C.

COUNT IV:

The Defendants DHSS, EEOC and VA have conspired to deprive plaintiff of the equal protection of the laws, or the equal privileges and immunities under the laws and Constitution of the United States. The defendants have intentionally and maliciously conspired to deprive plaintiff of employment and his right to seek legal redress for unlawful employment discrimination. The defendants have refused and continues to refuse to process charges of unlawful employment discrimination as is required by Title VII/VI of the Civil Rights Act of 1964, as amended,

in violation of 42 USC 1985(3). The action by defendants was visited upon plaintiff because he protested employment discrimination against Blacks. Great American Federal Sav & Loan Assn. v. Novotny, (1979, US) 60 L Ed 2d 957, 99 S Ct 2345. The defendants have conspired to deprive plaintiff of the right to be free from race-based governmental discrimination. Marsh v. Board of Education of City of Flint, 581 F. Supp 614. A copy of correspondence pertaining to the charges of employment discrimination is incorporated herein by reference as Exhibit D.

COUNT V:

The EEOC has conspired with public and private employers to deprive plaintiff of rights, privileges or immunities secured by the Constitution and laws of the United States of America. More specifically the EEOC has failed to implement the provisions of The Equal Employment Opportunity Act of 1972, in that it has refused and continues to refuse to process and/or investigate charges of unlawful employment discrimination filed by plaintiff

including but not limited to:

Christian Hospital NE-NW, St Louis MO
The Industrial Commission of Ohio
St Charles Hospital, Toledo, OH
Cordelia Martin Health Center, Toledo, OH
Lucas County Mental Health Board, Toledo, OH
University of Kentucky, Lexington, KY
Hampton General Hospital, Hampton VA
Rockingham Memorial Hospital, Harrisonburg,
VA
Maryview Hospital, Portsmouth, VA

Defendant's action and/or inaction was visited upon plaintiff because of his race and because he has previously protested the defendant's failure to investigate charges of unlawful employment discrimination and failed to protect Black Americans from unlawful employment discrimination. As a direct and proximate result of defendant's action plaintiff has suffered irreparable harm, including but not limited to an inability to vindicate his civil rights. A copy of the correspondence pertaining to charges of unlawful employment discrimination is incorporated herein expressly by reference as Exhibit E.

COUNT VI:

The Defendants EEOC and VA have conspired to deprive plaintiff of rights, privileges or

immunities secured by the Constitution and laws of the United States. The defendants have failed to process and/or investigate charges of employment discrimination filed against the VA. The Defendant VA has refused and continues to refuse to hire plaintiff in positions which he is qualified. Charges of employment discrimination filed with the VA have not been investigated by the VA nor by the EEOC. The actions of the defendants were taken against plaintiff because of his race and because he has protested the discriminatory hiring practices of the Defendant VA. The actions taken by the defendants were designed to hold in question plaintiff's ability to obtain employment, and to stigmatize him and to call into question his integrity, reputation and honor. The sole motive for defendants' action was to deny plaintiff employment in his chosen profession of hospital and health care administration. Plaintiff has been denied employment by the VA since at least 1980, including but not limited to the positions of Associate Assistant Administrator for Personnel

Operations, Director of VA Medical Center, Health System Administrator, and Program Analyst.

plaintiff was denied employment because of his race and because plaintiff has protested the unlawful employment practices of public and private employers in the health care industry. A copy of the correspondence pertaining to employment attempts by plaintiff and the charges of employment discrimination is incorporated herein expressly by reference as Exhibit F, F(2), F(3).

COUNT VII:

The Defendants DHSS, EEOC, Justice and VA have conspired to deprive and/or interfere with plaintiff's legal, civil and constitutional rights. Defendants have refused and continues to refuse to provide certain information requested by plaintiff pursuant to the Freedom of Information Act (5 USC 552). The information has been withheld because, inter alia, it would tend to show the magnitude and extent of defendants efforts to:

1. Stigmatize, defame, libel and slander plaintiff's name, reputation, integrity and honor.

2. Prevent plaintiff from gaining employment and thereby depriving his of the opportunity to practice his profession of hospital and health care administration.

3. Prevent plaintiff from vindicating his civil rights by depriving him of information essential for him to prosecute those who have discriminated against him.

4. Encourage and foster efforts by private and public employers to deny plaintiff employment in his chosen profession.

5. Conduct unwarranted investigation and/or surveillance activities of plaintiff.

6. Use personal, professional and confidential information collected about plaintiff to provide aid and assistance to those who have discriminated against him, thereby aiding and abetting public and private employers in their efforts to prevent plaintiff from vindicating his civil rights.

7. Disclose confidential information regarding charges of employment discrimination filed

by plaintiff.

8. Deprive plaintiff of rights, privileges or immunities secured by the Constitution and laws of the United States by refusing to investigate charges of unlawful employment discrimination AND by denying him access to that information they did collect. Correspondence pertaining to plaintiff's Freedom of Information Act requests is incorporated herein as Exhibit G.

COUNT VIII:

The Defendants OHSS has conspired to deprive plaintiff of the equal protection of the laws, and the equal privileges or immunities under the laws and Constitution of the United States. The defendant has intentionally and maliciously conspired to deprive plaintiff of employment and his right to seek legal redress against those for discriminating against him. Specifically, the defendant has refused and continues to refuse to investigate charges of unlawful employment discrimination as is required by 42 USC 2000d et seq., in violation of 42 USC 1985(3), including but

not limited to the following charges filed by plaintiff:

Holland Community Hospital
Medical College of Ohio
Ohio Department of Mental Health
Lima State Hospital
Toledo Mental Health Center
Missouri State Division of Social Services
NYC Health & Hospital Corporation
University of Maryland Hosital

Defendant's action and/or inaction was visited upon plaintiff because of his race and because he has previously protested the defendant's failure to investigate charges of unlawful employment discrimination and failure to protect Black Americans from unlawful discrimination. As a direct and proximate result of defendant's action plaintiff has suffered irreparable harm, including but not limited to an inability to vindicate his civil rights. A copy of the correspondence pertaining to charges of unlawful employment discrimination filed by plaintiff with defendant is incorporated herein expressly by reference as Exhibit H.

COUNT IX:

The Defendants EEOC and Justice have conspired to deprive plaintiff of rights, privileges or

immunities secured by the Constitution and laws of the United States. The defendants have maliciously conspired to deprive plaintiff of the rights to vindicate his legal rights against those who have discriminated against him. The defendants, through nonfeasance, malfeasance and misfeasance, have maliciously refused and continue to refuse to prosecute and/or take legal actions against those who have discriminated against plaintiff. Moreover, the defendants have refused and continue to refuse to take action to prevent recurring employment discrimination visited upon plaintiff and other similarly situated black persons. The defendants have refused to prosecute those who have discriminated against plaintiff and have refused to assist plaintiff in his efforts to vindicate his civil rights. Instead of assisting plaintiff, the defendants have taken over and covert action to aid and assist those who have discriminated against plaintiff. Correspondence pertaining to defendants declining to assist plaintiff is incorporated herein expressly by reference as Exhibit I.

COUNT X:

The Defendant EEOC has conspired to stigmatize and otherwise defame, slander and libel plaintiff, by disclosing confidential information pertaining to his charges of unlawful employment discrimination to respondents. Defendant's actions violated the EEOC Act and were designed prevent plaintiff from gaining employment in his chosen profession of hospital and health care administration. A copy of the correspondence pertaining to defendant's action is at Exhibit G (page 104).

COUNT XI:

The Defendant DHSS has conspired to deprive plaintiff of rights, privileges or immunities secured by the Constitution and laws of the United States. Specifically, the defendant has refused and continues to refuse to investigate plaintiff's charges of unlawful employment discrimination filed by said plaintiff. in retaliation, the defendant has repeatedly denied plaintiff employment, including but not limited to Associate Superintendent for Administration, St. Elizabeths

Hospital, Washington, D. C. because of said plaintiff's race and in retaliation for his previous opposition to unlawful employment practices of the defendant and others in the health care industry. The defendant's refusal to hire plaintiff was not intentional and malicious violation of 42 USC 2000e-3(a), 42 USC 1981, and 29 USC 621 et seq. all because plaintiff has protested defendant's employment practices made unlawful by the Constitution and laws of the United States. A copy of plaintiff's charge of unlawful employment discrimination against the defendant is incorporated herein expressly by reference as Exhibit J.

V. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays this Court will advance this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited, and upon such hearing:

1. Order defendants to cease and desist their illegal acts.
2. Grant plaintiff a permanent injunction

enjoining the defendants, their department, agencies, districts, units, officers, agents, successors, employees, attorneys and other representatives, and all those acting in concert with them and at their direction, from engaging in any practice which discriminates against the plaintiff on the basis of race, age, retaliation; or any act to deprive him of rights, privileges or immunities secured to him by the Constitution and laws of the United States.

3. Grant plaintiff monetary award as compensation for the unlawful acts visited upon him by the defendants.

4. Direct the defendants to cease and desist the actions herein complained of.

5. Direct the defendants to consider plaintiff for employment for any and all positions which he is qualified and which he submits and application.

6. Direct the defendants to provide to plaintiff any and all information requested by him pursuant to the Freedom of Information Act.

7. Direct the Defendants EEOC, VA and DHSS to investigate and render a written decision to plaintiff regarding any and all charges of unlawful employment discrimination filed by him.

8. Award plaintiff punitive damages for the pain and suffering resulting from the malicious acts and conduct of the defendants to defame and stigmatize plaintiff, interfere with his civil rights, and to deprive him of rights, privileges and immunities secured by the Constitution and laws of the United States.

9. Retain jurisdiction over this case to assure full compliance with the Orders of this Court and with applicable laws, and to require defendants to file such reports as the Court deems necessary to evaluate compliance.

10. Grant plaintiff such other relief as the Court deems proper and just in the circumstances, including costs and attorney fees.

Respectfully submitted,

/s/Curtis L. Wrenn
Curtis L. Wrenn Pro Se
RD 1 Box 218
Nassau, NY 12123
Tel: (518) 477-2508

APPENDIX H (with attachments)

Page 1 of 11 Pages

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION
BALTIMORE, MARYLAND 21235

Refer to June 17, 1983
SMHN

Mr. Curtis L. Wrenn
930 S. Detroit Avenue
Caller Box 10002

Dear Mr. Wrenn:

We wish to acknowledge receipt of your application for the enclosed listed position(s). We also wish to apologize for the prolonged response to your application.

During the near future, we hope to fill some of our vacant positions. Therefore, we would like to know whether or not you are still interested in the position(s). You may inform us of your interest by placing an X next to the position(s) for which you applied shown on the enclosed list. For your

convenience, we are providing a self-addressed
return envelope.

Sincerely yours,

/s/Donald E. Fay
Director
Executive Recruitment
and Services Staff

Enclosure

List of Announcements

		Yes	No
EX-59	Director, Mid-Atlantic Program Service Center	X	
EX-60	Deputy Association Commissioner, Office of Family Assistance	X	
EX-61	Deputy Director, Office of Research and Statistics		X
EX-62	Director, Office of Data Services		X
EX-63	Deputy Associate Commissioner, Office of Policy		X
EX-64	Director, Office of Central Records Operations	X	
EX-65	Associate Commissioner, Office of Central Operations	X	
EX-66	Director, Office of Disability Operations		X
EX-67	Director, Office of Policy and Analysis	X	
EX-68	Director, Office of Systems Development		X
EX-69	Director, Office of User Requirements and Validation	X	
EX-70	Chief Mathematical Statistician		X
EX-71	Director, Division of Economic Research		X

EX-72	Director, Office of Management Planning and Analysis	X
EX-73	Associate Commissioner, Office	X
EX-74	(a) Director, Southeastern Program Service Center	X
	(b) Director, Great Lakes Program Service Center	X
	(c) Director, Western Program Service Center	X
EX-75	Director, Office of Insurance Programs	X
EX-76	Director, Program Service Center	X
EX-77	Deputy Associate Commissioner, Office of Central Operations	X

Signature /s/Curtis L. Wrenn

Date 6-24-81

DEPARTMENT OF HEALTH & HUMAN SERVICE

Date : April 29, 1983
File No: AOM-307-83

Mr. Curtis L. Wrenn
76 Birchhead Place
Toledo, Ohio 43608

Dear Mr. Wrenn:

This is to acknowledge receipt of your complaint of discrimination which was officially filed with this office on April 26, 1983.

You will be subsequently notified concerning which issues of the complaint are being accepted or, if appropriate, recommended for rejection, as well as all further rights.

Sincerely yours,

/s/John Bowers
Director, Division
of FEO Complaints
Investigation

cc: Malachi Knowles, Director, Office of EEO,
ADAMHA
Complaint File

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201
July 23, 1984

Telephone:
(518) 477-2508

RE: ADM-307-83

Mr. Clarence Thomas, Chairman
Equal Employment Opportunity Commission
2401 E. Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

Enclosed please find correspondence pertaining to a charge of employment discrimination against the St. Elizabeths Hospital.

Since this charge has been pending for more than a year, this is to respectfully request the immediate intervention of your office in expediting the investigation.

In that connection, I am particularly concerned about the Federal agency's refusal to process the charge in accordance with the requirements of The Equal Employment Opportunity Act of 1972.

Please advise.

Sincerely,

/s/Curtis L. Wrenn

Enclosures.

CERTIFIED MAIL P625984557

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

October 3, 1986

Telephone:
(518) 477-2508

RE: Wrenn v. St. Elizabeths
Hospital (ADM-307-83)

Mr. Thomas G. McFee, Director
Office of Equal Employment Opportunity
Department of Health and Human Services
Hubert Humphrey Building, Rm. 522-A
200 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Mr. McFee:

Reference is made to the attached letter of August 17, 1983 in which I was informed of my rejection for the position of Equal Employment Manager, GM-260-15, allegedly because "you did not meet the experience requirements ... at the GS-15 level."

Please accept this letter and the attachments as a charge of continuing acts of unlawful employment discrimination (denial of employment on the basis of race (Black), age (date of birth, February 14, 1930), and retaliation (for having previously filed charges or otherwise opposed the employment

practices of the U.S. Department of Health and Human Services made unlawful by Titles VI and VII, and the EOEAA).

Respectfully request that this charge be processed as a charge of "continuing" violation as soon as possible. See, United Air Lines, Inc. v. Evans, 431 US 553, 52 L Ed 2d 571, 97 S Ct 1885.

Thank you for your prompt attention to this matter.

Very truly yours,

/s/Curtis L. Wrenn

Enc.

CERTIFIED MAIL P415743361

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

November 12, 1986

Telephone:
(518) 477-2508

RE: Wrenn v. DHHS

Mr. Thomas S. McFee, Director
Office of Equal Employment Opportunity
Department of Health and Human Services
Hubert Humphrey Building, Rm. 522-A
200 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Mr. McFee:

Enclosed please find my letter to you of October 3, 1986. Since I have not received a reply to my charge of unlawful employment practice, the purpose of this letter is to respectfully request the status of my charge. An early reply would be appreciated.

Sincerely,

/s/Curtis L. Wrenn

Enclosure - copy of letter of October 3, 1986

CERTIFIED MAIL P386111558

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

December 5, 1986

Telephone:
(518) 477-2608

RE: Wrenn v. DHHS
ADM-307-83
Appeal 01.86.1976

Mr. Clarence Thomas, Chairman
Equal Employment Opportunity Commission
2401 E. Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

Enclosed please find a copy of my recent correspondence to DHHS regarding a charge of unlawful employment discrimination. To date I have not received a response to my letter of October 3, 1986.

In that connection, your attention is invited to letter of June 24, 1986 to Ms. Delores L. Rozzi regarding earlier complaints which I filed against DHHS. Based upon these charges I hereby charge the U.S. Department of Health and Human Services with blatant continuing acts of racial discrimination and malicious intentional retaliation against me because

of previous charges filed against DHHS and other
public and private employers for denying me
employment in my chosen profession of hospital and
health care administration.

Please assist me by having the DHHS process the
charge reflected in the enclosed correspondence.

Very truly yours,

/s/Curtis L. Wrenn

Enc.

CERTIFIED MAIL P386111542

APPENDIX I (with attachments)
Page 1 of 15 Pages

OCE-81-4-3

- DEPARTMENT OF HEALTH & HUMAN SERVICES

JUL 24, 1981

TO : Regional Directors
Regions I - II
Office for Civil Rights

FROM : /s/Goldie D. Hodgdon,
Goldie D. Hodgdon, Acting Deputy Director
Office of Compliance and Enforcement

SUBJECT: Title VI Employment Complaints Filed by
Curtis Wrenn

Curtis Wrenn has recently filed a series of complaints with three OCR regions alleging violations of Title VI based on denials of employment because of race by several health care facilities. Mr. Wrenn's actions, to date, indicate a pattern which may be repeated in all regions. In addition, several problems have arisen with respect to Mr. Wrenn's complaints. In one region, the Office of the Inspector General (OIG) is investigating a recipient's allegations that Mr. Wrenn engaged in

unorthodox and unlawful efforts to secure financial gains or employment in return for nullifying his complaint with OCR.

Headquarters' staff has responded to another region's request for assistance regarding jurisdiction. We have indicated that OCR does not have jurisdiction because we are unable to establish a nexus consistent with our Title VI employment policy.

Every effort will be undertaken to ensure that Mr. Wrenn's complaints are responded to appropriately and consistent with current policy and procedures. However, consistency in our responses may prove difficult because of the complainant's actions. Therefore, effective immediately and until further notice, headquarters will assume responsibility for all current (and future) complaints filed with OCR by Mr. Wrenn.

Although this decision reflects a change

from Virginia's memorandum of June 30, 1981, the matter was discussed with her. She concurs that Mr. Wrenn and CCP would benefit if all responses to him emanated from headquarters. The June 30 memo is attached for your reference.

All current complaints from Mr. Wrenn are to be transferred administratively to headquarters under CIMS code 06 for jurisdictional determinations. (This code is cited in the CIMS Manual and located under Attachment E, Referrals. This is a nonaccountable code.) Mr. Wrenn is to be advised that his complaints have been transferred to headquarters; he should be referred to Charles Snow, Acting Division Director, Compliance Review and Assistance, for response to any questions or concerns he may have. The case files for these complaints should also be forwarded to headquarters for review.

Regions in which Wrenn complaints have been

filed, and the recipients have been notified, are to delay advising the recipients of the case transfer until headquarters indicates whether case closure or investigation (whichever is appropriate for case disposition) should be implemented. Any inquiries from these recipients, prior to headquarters advice regarding case disposition, should also be referred to headquarters for responses.

Any correspondence from Mr. Wrenn, regarding his current complaints, after the date of this memorandum should not be responded to by regional offices or logged into the regional tracking system(s); it should be forwarded immediately to headquarters. Any new complaints from Mr. Wrenn, subsequent to this memorandum, should be assigned a regional docket number and immediately transferred to headquarters under CIMS code 06. Headquarters will respond to any correspondence and review

all new complaints and advise Mr. Wrenn and the affected region(s) whether investigation(s) should pursue relative to the new complaints.

No region will be accountable under OMC for Wrenn complaints that have been processed according to this memorandum, unless the complaint requires an investigation.

However, OMS responsibility for a complaint requiring an investigation will not be activated until the complaint is returned (or first forwarded) to the region.

Attachment

P.O. Box 1691
Albany, NY 12201
September 25, 1985

Office of the Inspector General
Department of Health and Human Services
200 Independence Avenue, S. W.
North Building, Room 5250
Washington, d. C. 20201

Ladies and Gentlemen:

Reference is made to the attached letter of June 30, 1981 signed by Ms. Virginia F. Apodaca.

Pursuant to the Freedom of Information Act, 5 U.S.C., Section 552, please provide me with a copy of the investigation referred to in Ms. Goldia O. Hodgdon's letter of July 24, 1981. Specifically, please provide me with any and all documents compiled during the investigation referred to in that letter, i.e., "In one region, the Office of the Inspector General (OIG) is investigating a recipient's allegation that Mr. Wrenn engaged in unorthodox and unlawful efforts to secure financial gains or employment in return for nullifying his complaint with COR."

Your prompt consideration of this request would be
appreciated.

Sincerely,

/s/ Curtis L. Wrenn

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

September 19, 1986

Telephone:
(518) 477-2508

PE: Case Title: Curtis
L. Wrenn
File No. KC-48-0-13

Federal Bureau of Investigation
311 Grand, Room 300
Kansas City, MO 64106

Ladies and Gentlemen:

Pursuant to the Freedom of Information Act (FOIA)
(5 U.S.C. Section 552), please send me a copy of any
and all documents, of whatever kind or nature, which
were compiled by the FBI in connection with the
above referenced Report of Investigation.

In that connection, this FOIA request is to be
broadly interpreted to include all matters compiled
during, before and after the investigation. In
using the term "broadly interpreted", please be
advised that I mean ANY and All matters collected,
compiled or received, including but not limited to,
mechanical recordings, notes, wiretaps, telephone
messages and/or conversations intercepted and/or

recorded, written documents (including but not limited to letters, affidavits, memorandum, and data processing cards and/or tapes), telephone conversations, telegrams, and ANY written or printed matter

Because this matter has gone undetected for more than five years and because until today I was not aware of your investigation, this is to respectfully and urgently request that the requested information be provided as soon as possible.

Thank you for your assistance.

Very truly yours,

/s/Curtis L. Wrenn

CERTIFIED MAIL P415743365

U.S. Department Of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No:

33 United States Court House
Kansas City, Missouri 64105

October 7, 1986

Mr. Curtis L. Wrenn
P. O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your Freedom of Information Act-Privacy Act (FOIPA) request dated October 3, 1986.

Based upon the information you furnished in your letter, a search of the records of this office failed to locate the information you requested. This search was limited to the records of the central records system of the FBI as maintained only in the Kansas City Office of the FBI.

In addition, we have searched our Elsur index and failed to locate any information identifiable with you.

The reference you mentioned in your letter,

NC 48-0-13, was destroyed in a routine file
destruction on December 4, 1977, as authorized by
the regulations set forth in Title 41, Code of
Federal Regulations, subpart 101-11.4

Sincerely,

/s, Robert D. Davenport
Special Agent in Charge

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

October 11, 1986

Telephone:

(518) 473-2081

RE: FOIA

Mr. Robert B. Davenport
Special Agent in Charge, FBI
300 United States Court House
Kansas City, MO 64106

Dear Mr. Davenport:

Thank you for your letter of October 1, 1986
which was in response to my letter of October 1. A
copy of each is enclosed. I am also enclosing a
copy of the Report of Investigation.

I am to say the least somewhat confused by your
statement that "The reference you mentioned in your
letter, KC 48-U-13, was destroyed in a routine file
destruction on December 4, 1977 ..." My question is
how could a file be destroyed in 1977 which was not
completed "allegedly" until 1981? In that
connection, all the information available to me,
including the Report of Investigation and unofficial
information, reflects the investigation allegedly

was conducted in 1981.

Accordingly, this is to respectfully renew my previous request for any and all records, documents, data and information compiled in connection with the investigation. Please understand my urgency. I have been blacklisted by the U. S. Department of Health and Human Services AND the U. S. Department of Justice based upon an unfounded rumor that I have engaged in unlawful activities by filing charges of employment discrimination. As a result I am now not employed and have been so unemployed since July 24, 1985. All because I have complained about unlawful employment practices of employers who denied me employment.

Thank you for your assistance.

Very truly yours,

/s/Curtis L. Wrenn

Enc

CERTIFIED MAIL P415743358

DEPARTMENT OF HEALTH & HUMAN SERVICES

DEC 5 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your September 19, 1986, letter to the Assistant Secretary for Management and Budget. I am responding to you because the Assistant Secretary has authorized me to answer appeals under the Freedom of Information Act (FOIA). In your letter you appeal the decision of Russell Roberts to deny you access to certain information related to an Office of the Inspector General Investigation concerning you.

I have reviewed the information and have decided to continue to withhold the information under Exemptions 5 U.S.C. 552 (b) 7(c) and 7(d) of the Freedom of Information Act. Exemption 7(c) allows material to be withheld if release of the records would cause an unwarranted invasion of personal privacy. Exemption 7(d) allows materials to be

withheld if release of the record would identify a confidential source.

This letter is the final action of this Department on your appeal. If you wish, you may seek judicial review by the United States District Court for: (1) the district in which you reside or have your principal place of employment; or (2) the District of Columbia.

Sincerely yours,

/s/Barbara S. Wamsley
Acting Deputy Assistant
Secretary for Management
Analysis and Systems

APPENDIX J (with attachments)
Page 1 of 9 Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

FROM: TO: DRAIL

RE: Regional Directors
Region 1 - 8

TO: Goldia D. Hoagdon, Acting Deputy Director
Office of Compliance and Enforcement

SUBJECT: Handling of Title VI Complaints Filed by
Turtie Wrenn

As we discussed in the Regional Directors' Conference, there is some question as to whether OCR has jurisdiction to investigate the Title VI employment complaints which Turtie Wrenn has filed with several local offices. We would appreciate it if you would contact Goldia D. Hoagdon, Director, Division of Compliance Review and Assistance, at 245-7234, before determining whether you have jurisdiction to investigate a complaint filed by Mr. Wrenn. If you have already determined that you do

have jurisdiction in one of these
complaints, please let Goldie know.
Thank you for your assistance.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
Office for Civil Rights
Region III

Memorandum

DATE: July 13, 1981

TO : See Distribution Below

FROM : Elaina M. Spina /s/Elaina
Acting Lead Specialist
Division II

SUBJECT: Handling of Title VI Complaints Filed by
Curtis Wrenn

On July 13, 1981, I telephoned Ms. Goldia D. Hodgdon, Director, Division of Compliance REview and Assistance to discuss the above subject complaints. The telephone call was made pursuant to Virginia P. Apodaca's memorandum dated June 30, 1981.

Ms. Hodgdon informed me that we are not to proceed with the investigation of any of the three complaints. She stated that Headquarters is requiring all the regional offices to submit the complaints filed by Mr. Wrenn to the Headquarters office. The

Central Office will handle all the cases.
A memorandum will be forthcoming within
several days explaining the procedure we
will take in order for the transfer of the
cases to take place.

Distribution:

Leroy McAllister
Samuel Parker
E. Lewandowski
James Daye
Joyce Wright
Barbara Banks
Yvonne K. Brown
Davis Sanders

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
Office for Civil Rights
Region III

Memorandum

DATED:

TO: Yvonne K. Brown, Director
Program and Management Review Division
(OCRR)

FROM: Samuel Parker, Acting Lead Specialist
Division II

SUBJECT: Referral of three Title VI complaints filed
by Curtis L. Wrenn
Our Reference: 03813116, 03813180 and
03813183

Pursuant to the telephone conversation
between Elaina Spina, Acting Lead
Specialist and Goldia D. Hodgdon, Acting
Deputy Director, Office of Compliance and
Enforcement, we have enclosed three Curtis
Wrenn cases for your handling, pending
instruction from our Headquarters' office.
A copy of the telecom is enclosed for your
reference.

Enclosures

cc: Leroy C. McAllister
Samuel P. Parker
Edward Lewandowski
Joyce L. Wright
James R. Dave

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NOVEMBER 10, 1981

Regional Director - Region V
Office for Civil Rights

Complaints Filed with Region V

Betty Lou Dotson, Director
Office for Civil Rights

ATTN: Nathan D. Dick, Deputy Director
Office of Compliance and Enforcement

Submitted herewith are the six files requested in your memorandum of 4 Nov. 81. Examination of these files will indicate that the five complaints completed were closed under codes 76 and 78 (no jurisdiction), and code 83 (OCR has jurisdiction but another agency will process). These closures occurred prior to the issuance of the 24 July 81 memorandum that was issued to supersede the previous instruction as communicated on 30 June 81. Although we did not submit these cases to Headquarters, the action we took was consistent with the instruction of 30 June 81. The 30 June 81 memorandum did not state nor suggest that all cases filed by Mr. Wrenn were to be communicated to Headquarters.

We are sorry for any confusion that occurred in

determining that the 30 June 81 memorandum did not connote all Wrenn's complaints and trust that through our joint efforts we can alleviate any similar problems of this nature. We recommend, however, that in future instances of this nature - caused by court action - that the instruction be limited to a specific time and that we examine the need to create a separate handling system for a single complainant. To do otherwise would generate a charge of the Department creating a process that is other than its own procedures that operated to the detriment of a plaintiff.

Joe N. Kennedy

Attachments

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

October 28, 1985

Telephone:

(518) 477-2508

RE: Freedom of
Information Act

The Honorable Margaret M. Heckler, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Secretary Heckler:

Pursuant to the Freedom of Information Ace, 5 U.S.C. Section 552, this is to respectfully request that you provide me with a copy of the file pertaining to the investigation of my charge of unlawful employment discrimination. In each case the charge was either filed with your predecessor, the U. S. Department of Health, Education and Welfare (HEW), or with you. Specifically, please provide me with a copy of your investigative file pertaining to the charge of employment discrimination filed against the following employers:

Christian Hospital, St Louis, MO
(Charge 07780026 and 07813043)
Medical College of Ohio, Toledo, OH
(Charge unknown)

University of Maryland Hospital, Baltimore,
MD (03853014)
Holland Community Hospital, Holland, MI
(05823112)
NYC Health & Hospital Corp., NYC
(82-3090)
Ohio Department of Mental Health, Columbus,
OH (Charge number unknown)
Marion General Hospital, Marion, OH
(Charge unknown)
NYS Office of Mental Health, Albany, NY
(Charge number unknown)
NYS Department of Health, Albany, NY
(Charge number unk)
Cordelia Martin Health Center, Toledo, OH
(Charge unknown)
Lima State Hospital, Lima, OH
(Charge number unknown)
Vanderbilt University Hospital, Nashville, TN
(Charge number unknown)
St Charles Hospital, Toledo, OH
(Charge number unknown)

Please review each of the above charge of unlawful employment discrimination (violation of Title VI) and provide me with any and all information and/or data compiled in connection with the investigation conducted by either HEW or DHSS. For the purpose of this request "information and/or data compiled" includes but is not limited to any such compiled by officers, agents and/or employees of HEW, DHSS, and any such received by DHSS or HEW from individuals, employers, The U. S. Departments of Justice and Education, and the U. S. Equal Employment

Opportunity Commission. Moreover, the "information and/or data compiled" includes notes, mechanical recordings, and internal documents used to review the charges, rules and regulations used in determining how and when the charge would be processed, and the findings, conclusions, and recommendations made in each charge. Also, any documents provided complainant or the employer to show the final disposition of the charge and proof that complainant had exhausted the administrative requirements of Title VI of the Civil Rights Act of 1964, as amended.

Your office has previously acknowledged receiving each of the above referenced charges. Since each charge filed by me has been centralized in Washington, D.C., this is to respectfully request that the information requested be provided as required by the Freedom of Information Act.

Thank you for your prompt attention to this matter.

Very truly yours,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139L12

APPENDIX K (with attachments)
Page 1 of 7 Pages

WRENN, CURTIS
Albany, New York
Public Health Service
Theft of Government Property
2-85-01040-4

JAN 22 1986

The Office of Inspector General (OIG), U.S. Department of Health and Human Services received a complaint on August 27, 1985 from BERNARD PASSER, Public Health Service (PHS), Director of Division of Health Services relating to possible theft of government property.

The WHITNEY YOUNG CENTER in Albany, New York receives an annual grant in excess of a million dollars from PHS under Section 330 of the PHS Act and additional funds through the Medicare and Medicaid programs to provide medical care on an outpatient basis to poor people.

CURTIS WRENN, the Chief Executive Officer of the WHITNEY YOUNG CENTER, was suspended this summer and subsequently terminated. After he was suspended, he removed everything from his office including the

contents of several file cabinets.

Additional information may be obtained from Dr.

VIVIAN CHANG, PHS, Regional Health Administrator at
(212) 264-2561.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JAN 22 1986

Special Agent in Charge
Federal Bureau of Investigation
U.S. Post Office and Courthouse, Room 102
Albany, New York 12201

RE: WREN, CURTIS
File #I-35-01040-4

DHAI: mmt

Enclosed is the investigative memorandum from the Office of Inspector General, U. S. Department of Health & Human Services concerning CURTIS WREN. This case is being referred to your office for your determination and whatever action you deem appropriate. Please advise this office of your action.

If this office can be of assistance, please contact Special Agent STEPHEN F. LATOUR at (212) 264-1691.

Sincerely yours,

Paul F. Conroy
Regional Inspector

General for

Investigations

Enclosure

LATOUR/td
1/7/86

U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No.

302 USPH & Courthouse
Albany, New York 12201-214

October 24, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

With regards to our letter to you dated October 10, 1986, the Albany Office of the Federal Bureau of Investigation conducted a search of the Albany's FBI central records system along with Albany's Electronic Surveillance Index (ELSUR) concerning your Freedom of Information/Privacy Act request.

This search located one main file pursuant to your request. This main file consists of three documents totaling four pages. Two documents consisting of two pages originated with the United States Department of Health and Human Services, which has been referred to that agency and they will

correspond directly with you.

One other document consisting of two pages is being withheld in its entirety in order to protect materials which are exempted from disclosure by the following subsection of Title 5, United States Code, section 552b; 552a:

(j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control or reduce crime or apprehend criminals, except records of arrest.

(b)(7) Investigatory records compiled from law enforcement purposes, the disclosure of which would: (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office

of Information and Privacy, United States Department
of Justice, Washington, D. C. 20530), within thirty
days from receipt of this letter. The envelope and
the letter should be clearly marked "Freedom of
Information Appeal" or "Information Appeal". Please
cite the name of the office to which your original
request was directed.

Very truly yours,

WAYNE R. ALFORD
Special Agent in Charge

By:

/s/Roger M. Clancy
Supervisory Special Agent

DEPARTMENT OF HEALTH & HUMAN SERVICES

RE: Case #86-594

November 18, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your October 30 request for the information provided this Department by the Federal Bureau of Investigation (FBI) in Albany regarding your request to them for any investigative records concerning you.

Enclosed are the two pages forwarded to us by the FBI for our determination.

In this instance, I have determined to waive fees in accordance with Section 5.63 of the Department's Public Information Regulation.

Sincerely yours,

/s/Carl C. Coleman
Deputy Director
FOIA/Privacy Act Division
Office of Public Affairs

Enclosure

APPENDIX L (with attachments)
Page 1 of 6 Pages

CURTIS L. WRENN
76 Birchhead Place
Toledo, OH 43608

October 23, 1983 Telephone
 (419)255-5508

RE: 033 83 1988,
033 83 1419
033 83 1989

Mr. Haywood L. Perry
Deputy Director
Equal Employment Opportunity Commission
109 Market Place Suite 4000
Baltimore, MD 21202

Dear Mr. Perry:

Thank you for your letter of October 12, 1983.

Please be advised that your letter does not clarify
the issues raised.

The specific problem is that each of the above
charges was filed by mail with the EEOC and the then
Department of Health, Education and Welfare. The
latter acknowledged each charge whereas the EEOC did
not. According to various sources of information
the EEOC has used the date that a charge was filed
with another federal agency as its (the EEOC) charge
filing date. A review of your records will show

that each charge was timely filed based upon the date HEW acknowledged each charge. All this information is or should be in your files. Accordingly, after five years of raising the same issue repeatedly, I am compelled to ask "Why is it the EEOC has used the date a charge was filed with another federal agency as its charge filing date for other complainants, but apparently refuses to apply the same rules and/or procedures to charges filed by Curtis L. Wrenn?"

Mr. Perry I would consider it an honor if you would agree to meet with me in Baltimore. Considering that all the information I have provided the EEOC by mail has apparently been ignored, I believe such a meeting would be beneficial.

Please advise,

/s/Signature illegible

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION III
3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19101

Our Ref. No: 03785080 July 21, 1978
03785081

Mr. Curtis L. Wrenn
1006 Loch Raven Boulevard
Baltimore, Maryland 21218

Dear Mr. Wrenn:

This will acknowledge our receipt of your June 25, 1978 Employment Discrimination Complaint Forms, alleging that the Maryview Hospital, Hampton General hospital and the Atlantic City Medical Center discriminated against you on the basis of race by its failure to hire you for the position of Hospital Administrator.

In the case of the Atlantic City medical center, our office does not have the authority to investigate this matter. We are, therefore, referring that complaint to the New York Regional Office. For additional assistance in this matter, you can contact:

Mr. William Valentine
Acting Regional Director

Office for Civil Rights,
Region III
Department of HEW
25 Federal Plaza - Room 3908
New York, N.Y. 10007

We have carefully reviewed your allegations and determined that even if we were to establish that the institutions failed to hire you based on your race, we would then have to prove that the effect provoked discrimination against the beneficiaries of services, that is, the patients at those hospitals. Since that would not appear to be feasible, we suggest that this complaint is more appropriately lodged with the Equal Employment Opportunity Commission (EEOC). As we reviewed your completed Employment Discrimination complaint forms, we noted that you have filed this complaint with that agency. If you have any questions, please do not hesitate to contact Ms. Barbara Ann Rosenberg, Chief, Program Evaluation and Management Support Branch at (205) 536-6725, or contact EEOC directly.

Sincerely yours,

/s/Dewey E. Dodds
Director
Office for Civil Rights
Region III

CURTIS L. WRENN
P. O. BOX 1691
ALBANY, NEW YORK 12201

May 24, 1985 Telephone:
(518)477-2508

RE: Wrenn v. Hampton General
Hospital (033831988);
Rockingham Memorial
Hospital (033831410); and
Maryview Hospital
(033831989)

Ms. Dolores Rozzi, Director
Office of Review and Appeals
Equal Employment Opportunity Commission
2401 E Street, NW
Washington, D. C. 20507

Dear Ms. Rozzi:

Attached please find correspondence pertaining to charges of employment discrimination which I filed with your Baltimore District Office. As indicated in the correspondence, I have been trying for years to have the charges investigated. also, I have been trying for more than a year to obtain some form of response from the EEOC to my many letters. Not only have the charges not been investigated, I have not had the courtesy of a reply to my many letters. Please assist me by having the charges investigated.

In the absence of the charges being investigated,
please provide me with a legal basis for not
investigating the charges.

Thank you for your assistance.

Sincerely,

/s/Curtis L. Wrenn

ENC.

APPENDIX M (with attachments)
Page 1 of 7 Pages

P. O. Box 1691
Albany, NY 12201

Telephone
(518)477-2508

November 23, 1984

RE: Wrenn v. Veterans Admin.

Mr. Clarence Thomas
Chairman, EEOC
2401 E Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

During the past four years I have filed three charges of employment discrimination against the Veterans Administration. Your office has previously been informed of these charges being filed. In addition, one of the charges (Docket No. 01-84-0183) has been filed with the EEOC Office of REview and Appeal.

The charges against the VA are based on continuing systemic employment discrimination by that Federal Agency to deny me employment. I have also filed a

complaint in the United States District Court (Case No. 82-2528) to vindicated my civil and Constitutional rights.

In order to proceed with the aforementioned case, I need the assistance of your office. In that connection, please note the enclosed information concerning an EEOC Pilot Program. Please send me a copy of any and all information (pursuant to the Freedom of Information Act and/or the Privacy Act) which the EEOC has compiled since 1979 regarding job discrimination complaints filed against the VA. I am particularly interested in receiving a copy of any investigative records and reports and the results of any hearings conducted by the EEOC for cases arising in Washington, D. C. and St. Louis, MO. Moreover, please send me a copy of any and all reports which the VA submitted to the EEOC concerning its affirmative action plan and accomplishments, recruitment efforts to correct the under representation of Blacks in positions at the level of GS 13 through SES, selection procedures used by the VA which has had an adverse effect on

Blacks and other minorities, and the results of any intensive audits of the VA conducted by the EEOC.
Thank you for your prompt attention to this matter.

Sincerely,

/s/Curtis L. Wrenn

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone:
November 7, 1985 (518)477-1508

RE: Wrenn v. Veterans
Administration
Agency No. 82-563
and 02412
EEOC Docket No.
01.84.2570 and
01.84.0183

John W. Ditzler, M.D.
Chief Medical Director
Department of Medicine and Surgery
Veterans Administration
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Doctor Ditzler:

The purpose of this letter is to respectfully request that you provide me with a copy of any and all information and/or documents compiled in connection with the investigation of the above charge of unlawful employment discrimination. This request is made pursuant to the Freedom of Information Act, 5 U.S.C. Section 552.

Thank you for your cooperation in this matter.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139118

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone:
November 7, 1985 (518)477-2508

RE: Wrenn v. Veterans
Administration
Agency No. 82-563
and 0241.
EEOC Docket No.
01-84-2570 and
01-84-0183

Ms. Dolores Rozzi, Director
Office of Review and Appeals
Equal Employment Opportunity Commission
2401 E Street, NW
Washington, D.C. 20507

Dear Ms. Rozzi:

The purpose of this letter is to respectfully request that you provide me with a copy of any and all information and/or documents compiled in connection with the investigation of the above charge of unlawful employment discrimination. This request is made pursuant to the Freedom of Information Act, 5 U.S.C. Section 552.

Thank you for your cooperation in this matter.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139122

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone:
November 7, 1985 (518)477-2508

RE: Wrenn v. Veterans
Administration
Agency No. 82-568 and
02412
EEOC Docket No.
01.84.2570 and 01.84.0183
AND
St Elizabeths Hospital
Agency No. ROM-307-83

Mr. Clarence Thomas, Chairman
Equal Employment Opportunity Commission
2401 E Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

Reference is made to my previous requests for you to assist me in having the referenced charges of employment discrimination processed by the two Federal agencies responsible, namely the Veterans Administration and the Department of Health and Human services.

The above three charges of unlawful employment discrimination have been pending for more than two years. I have been unable to have the two agencies process the charges.

Accordingly, I am again appealing to your office for assistance. Please have the charges investigated and provide me with a copy of your findings and/or determination.

Thank you for your assistance.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139120

APPENDIX N (with attachments)
Page 1 of 7 Pages

CURTIS L. WRENN
P.O. Box 1591
Albany, NY 12201

September 13, 1985 Telephone: (518) 477-2508

RE: 021792380

Mr. Edward Mercado, District Director
Equal Employment Opportunity Commission
90 Church Street, Room 1301
New York, NY 10007

Dear Mr. Mercado:

Please review the files of the above charge against
the Lincoln Hospital of the New York City Health and
Hospital Corporation. You will recall that the
charge was settled with a Negotiated Settlement
Agreement.

Please advise me regarding whether the above case
has been "closed". In the event it has been closed,
please provide me with a copy of the correspondence
and/or documentation showing proof of compliance
with Title VII in accordance with the terms of the
agreement.

An early reply would be appreciated.

Sincerely,

/s/Signature illegible

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10007

EEOC 021792380

NEGOTIATED SETTLEMENT AGREEMENT

1. In exchange for the promises made by New York City Health and Hospital Corporation contained in paragraph (2) of this agreement, Curtis Wrenn agrees not to institute a lawsuit under Title VII of the Civil Rights Act of 1964, based on Charge Number 021-79-2380 filed with the Commission and the Equal Employment Opportunity Commission agrees not to further process the charge.
2. In exchange for the promises of New York City Health and Hospital Corporation and the Equal Employment Opportunity Commission contained in paragraph (1) of this agreement, the New York City Health and Hospital Corporation agrees:
 - a) that if any future inquiries are made concerning Curtis Wrenn that no mention will be made that a charge was filed by him with the Equal Employment Opportunity

Commission.

- b) to consider Curtis Wrenn as a candidate for the next executive level position occurring at Lincoln Hospital during 1979. Notification of such a position will be sent immediately to him.
- c) to give Curtis Wrenn neutral referrals in response to any and all future employment inquiries.

3. It is understood that this agreement does not constitute an admission by New York City Health and Hospital Corporation of any violation of Title VII of the Civil Rights Act of 1964.

4. The Equal Employment Opportunity Commission's participation in this agreement does not reflect any judgement by the Commission on the merits of the charge, furthermore, the Equal Employment Opportunity Commission does not waive its right to process any other charge, including a Commissioner Charge against the new York City Health and Hospital Corporation.

5. The respondent agrees that if it fails to carry

out the terms of this agreement, a suit will lie
for the breach and in such instance the
respondent waives its right to confidentiality
under Section 706(b) of Title VII of the Civil
Rights Act of 1964.

/s/John Lewis Brown
Respondent

June 29, 1978
Date

/s/Curtis L. Wrenn
Charging Party

7-7-79
Date

On Behalf of the Commission

/s/Edward Mercado
District Director

7-20-79
Date

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE
90 CHURCH STREET, ROOM 1501
NEW YORK, NEW YORK 10007

October 7, 1985

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, NY 12201

RE: Wrenn vs. New York
City Health &
Hospital Corp.

Dear Mr. Wrenn:

This is in response to your letter dated September 13, 1985 concerning the above referenced charge.

As you are aware the charge was closed pursuant to a negotiated settlement agreement dated July 20, 1979. If you have any additional questions please contact this office.

Sincerely,

/s/Kevin J. Berry
Supervisor
Intake/State & Local Unit

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

October 31, 1985

RE: 021792380

Mrs. Edward Mercado, District Director
EEOC District Director
90 Church Street, Room 1301
New York, NY 10007

Dear Mrs. Mercado:

Enclosed please find a copy of the Negotiated Settlement Agreement and recent correspondence to you regarding the above charge of unlawful employment discrimination.

Pursuant to the Freedom of Information Act (5 USC 552) please provide me with a copy of any and all documents of whatever kind or nature which you compiled in connection with your processing of the above captioned charge of employment discrimination. Moreover, that you provide me with a copy of any and all documents to whatever kind or nature compiled in connection with "closing" the above case, including but not limited to correspondence, reports and memorandum showing proof of the Respondent's compliance with Title VII of the Civil Rights Act of

1964, as amended, in accordance with the terms of
the agreement.

An early reply would be appreciated.

Sincerely,

Curtis L. Whenn

Enc.

CERTIFIED MAIL P157139116

APPENDIX O (with attachments)
Page 1 of 10 Pages

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone:
October 28, 1985 (518)477-2508

RE: Wrenn v. University
of Md. Hosp.

Mr. Clarence Thomas
Chairman, EEOC
2401 E Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

Enclosed please find correspondence to Ms. Dorothy C. Mead. To date I have not received a response from Ms. Mead. See Exhibit A.

Please accept this letter as a formal request for the EEOC to file a friend of the plaintiff brief. My reason for requesting the intervention of the EEOC is to have you correct an apparent error in your findings in my charge against the respondent (EEOC 033781246).

You will recall that you ruled that my charge of unlawful termination was untimely. On February 12, 1981 during your Determination on Appeal Petition,

you stated at page 3 "Unfortunately for some of his Title VII rights, he filed a charge a few days after his employment with Respondent ceased." See Exhibit B.

Information received from the EEOC District Office clearly shows that the above statement is erroneous. The charge, prepared on Employment Discrimination Complaint Form provided by the then U.S. Department of Health, Education and Welfare, was received by the EEOC Baltimore District Office on May 30, 1978. Moreover, information available to you at the time clearly indicated that my last day of employment with the respondent was June 30, 1978. See Exhibit C.

My Complaint against the Respondent was dismissed by the District Court. I have filed an appeal which is now pending before the Fourth Circuit Court of Appeals. See Exhibit D.

An early reply would be appreciated.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139113

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

NOV 13 1985

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn

Chairman Clarence Thomas has asked that we respond to your letter dated October 26, 1985 in which you state that Ms. Dorothy E. Mead, Director of our Baltimore District Office, has not responded to your letters to her dated July 16, and September 8, 1985 requesting that EEOC file "amicus curiae" in your lawsuit against the University of Maryland Hospital. Ms. Mead advises that she asked the Regional Attorney of the Baltimore District Office, Mr. Gerald S. Kiel, to respond to your request. In a letter dated November 4, 1985, Mr. Kiel responded that, to his knowledge, EEOC is not filing "amicus Curiae" in your lawsuit. A copy of Mr. Kiel's letter is enclosed for your reference.

You have also requested of Chairman Thomas that EEOC file a friend of the plaintiff brief on your behalf.

Considerations for filing such a brief will rest with our Baltimore district Office, and you should contact Mr. Head if you wish EEOC to consider additional information regarding your request.

Thank you for bringing this matter to our attention, we hope this information is helpful to you, but we regret there is nothing more the EEOC can do at this time to assist you.

Sincerely,

/s/Constance L. Dupre
Director
Region I Program
Office of Program

Operations

Enclosure

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BALTIMORE DISTRICT OFFICE
107 Market Place, Suite 4000
Baltimore, Maryland 21202
NOVEMBER 4, 1985

Murphy, Wrenn
P.O. Box 1591
Roxbury, MA 02120

Dear Mr. Wrenn:

The Director has asked me to respond to your request concerning whether the Equal Employment Opportunity Commission is filing "amicus curiae" in your case. This is to advise to my knowledge that the EEOC is not filing amicus curiae in your lawsuit.

Sincerely,

/s/Gerald J. Kiel
Regional Attorney

GSK:cmg

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone
November 19, 1985 (518) 477-2503

RE: Wrenn v. Univ. of
Md. Hosp.

Mr. Clarence Thomas
Chairman, EEOC
2401 C Street, NW
Washington, D. C. 20507

Dear Mr. Thomas:

Please advise me concerning the date I may expect a reply to my letter to you of October 23, 1985 regarding the above captioned charge of employment discrimination.

In that connection, in addition to the issue raised in the aforementioned letter, I hereby respectfully request that you review your statement that "While we find the charge untimely in regards to the issue of denial of tenure and non-renewal of contract, . . . I did not at any time raise an issue of denial of tenure or the failure to renew a contract."

The position of Associate Director for

Administration, University of Maryland Hospital was neither a "tenured" position nor "contract" position. Instead the position was considered an associate staff position, which meant that after an employee completed the required one (1) year probationary period he/she became a "permanent" employee. Accordingly, the issue of unlawful termination did not involve a question of "tenure and non-renewal of contract" as is alleged at page three (3) of your Determination On Appeal Petition. Moreover, at no time did I allege a denial of tenure or that I would not be granted a new contract. Therefore, your statement that "Since the Charging Party filed his charge more than a year after notice that he would be denied tenure and not receive a new contract, ..." is false and misleading.

Accordingly, this is again to respectfully request that you assist me in my appeal pending in the Fourth Circuit Court of Appeals by filing appropriate documentation with the Court to show that your findings and conclusions in the above charge of employment discrimination were not only

flawed but based on erroneous information.

Thank you for your assistance.

Sincerely,

ys/Curtis L. Wrenn

CERTIFIED MAIL P157139127

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CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone
November 20, 1985 (518)477-2508

RE: Wrenn v. Univ. of
Md. Hosp.
033781246

Gerald S. Kiel, Esq.
EEOC REmgional Attorney
109 Market Place, Suite 4000
Baltimore, MD 21202

Dear Attorney Kiel:

Thank you for your letter of November 4, 1985.

Enclosed please find a letter of November 13, 1985 I recently received from Constance L. Dupre. Also enclosed is my letter of November 19, 1985 to Mr. Clarence Thomas and my letter of October 28 to Mr. Thomas.

Please review my request and advise me regarding the District Director's decision.

In that connection, my two letters to Mr. Thomas was an attempt to express my concern about some false statements which apparently serves as the basis for an improper decision. That is, the allegation that

I did not file the charge of unlawful employment discharge while still employed is false, and apparently led to the erroneous conclusion that the charge was not timely. The EEOC decision has been carried over into the District Court and was apparently the basis for the dismissal of the case. What I am now trying to accomplish is to demonstrate to the Court of Appeals that the charge was timely, and that my discharge was racially motivated. Your prompt attention to this matter would be appreciated.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139132

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APPENDIX P (with attachment)
Page 1 of 6 Pages

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20505

SEP 21 1981

MEMORANDUM

TO : Odessa Shannon, Deputy Director
Office of Field Services

FROM : Gilbert M. Sandate, Director
Office of Equal Employment Opportunity

SUBJECT : Attached correspondence from Curtis L.
Wrenn

Curtis L. Wrenn's enclosed correspondence to this Office dated September 4, 1981 requests that we process a complaint against Mr. Chester J. Gray, EEOC District Director, Cleveland, Ohio. His complaint alleges that Mr. Gray has refused to acknowledge correspondence or to timely process complaints he (Wrenn) has filed against private sector employers.

We have contacted Mr. Wrenn and advised him this Office has no jurisdiction to process such

complaints. His correspondence is being forward to
you for whatever action you feel is appropriate.

cc: Curtis Wrenn

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P.O. Box 6144
Toledo, OH 43614

September, 4, 1981

Mr. Gilbert M. Sandate, Director
Office of Equal Employment Opportunity
2401 K Street, NW
Washington, D.C. 20506

Dear Mr. Sandate:

Please accept this letter as a formal complaint
against Mr. Chester J. Gray, District Director,
FEOC, Cleveland, Ohio, and a request for the
assistance of your office.

My complaint against Mr. Gray is that he has
steadfastly refused to respond to numerous letters
which I have mailed to him. Moreover, complaints of
racial discrimination which I have filed with him
have not been processed, and some have not even been
acknowledged.

In that connection, your attention is invited to my
charge against the St. Joseph Home for Children
(Charge Number 075810427) in Dayton, Ohio. This
complaint was mailed to the Dayton office on August
15, 1981, and was initially processed and returned
to me on September 1, 1981. Why is it that charges

filed with Mr. Gray as early as January 12, 1981 have not been assigned a charge number or even acknowledged. While charges filed with other offices of EEOC have been initially reviewed and "perfected"?

Please assist me by having Mr. Gray respond to the attached correspondence. Please note that the first set of letters (Charges Number 057790709 and 057790710) reflect complaints which have been in process for more than two years. I am still awaiting information which I requested September 27, 1980.

Thank you for your assistance.

Sincerely,

/s/Curtis L. Wrenn

cc: Senators Glenn and Metzenbaum
Congressman Stokes and Weber

Enclosure

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone
November 26, 1985 (518)477-2508

RE: Freedom of
Information Act

Mr. Clarence Thomas
EEOC Chairman
2401 E Street, NW
Washington, D.C. 20507

Dear Mr. Thomas:

Reference is made to the attached letter of September 4, 1981 from me to Mr. Gilbert M. Sandate. Also enclosed is Mr. Sandate's letter to Ms. Odessa Shannon of September 21, 1981.

The purpose of this letter is to respectfully request that you provide me with a copy of any and all information and/or documentation compiled in connection with the complaint I filed against Mr. Gray, including but not limited to the disposition of the two charges listed in my letter of September 4, and the reason and authority for the disposition of the charges.

This request is made pursuant to the Freedom of Information Act, 5 U.S.C. Section 552.

Your prompt attention to this matter is appreciated.

Sincerely,

/s/Curtis L. Wrenn

Enc.

CERTIFIED MAIL P157139136

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APPENDIX Q (with attachments)
Page 1 of 7 Pages

U.S. Department of Justice

United States Attorney
District of Columbia

JEO:RCL:CFFlynn:lan
United States Courthouse,
Room 2800
Constitution Ave & 3rd St. N.W.
Washington, D.C. 20001

December 6, 1983

To attorneys defending
lawsuits by Mr. Curtis L. Wrenn

Re: Employment discrimination cases filed
by Curtis L. Wrenn

Dear Sir or Madam:

Assistant United States Attorney Charles F. Flynn
of this office is defending Title VII cases filed
pro se by Curtis L. Wrenn, after the Veterans
Administration and the United States Soldiers' and
Airmen's Home failed to hire him into various
positions in the field of health care
administration.

In the course of discovery in the cases which
Mr. Flynn is defending, we asked plaintiff to

provide lists of the lawsuits and of the discrimination complaints he has filed. After two motions to compel, Mr. Wrenn provided Mr. Flynn the attached lists, which do not answer all of the questions, but which provide at least an overall picture of the 39 lawsuits and 152 discrimination complaints this plaintiff admits to having filed. The lists appear to have been compiled in response to a discovery request by some other defendant, several months back.

We are sending the lists to each of the attorneys listed in plaintiff's "List of Legal Proceedings". (A copy of our mailing list is also enclosed.) Our hope is that those attorneys who were not aware that other suits are pending will now be aware of the fact, and that any attorney who discovers a particularly useful line of defense will share that line with the others. In this regard, you may be interested to know that John Quinn (see cases 28 and 29 on plaintiff's list) obtained a jury verdict for defendants in his case. He is now awaiting the judge's decision on the non-jury Title VII portion

of the case, and has asked for \$13,000 in attorney fees on behalf of the victorious defendants.

Our office is willing to become a clearing house for exchange of information which may be useful in defending these cases. Please send Mr. Flynn copies of any final decisions which you may obtain. He will be happy to distribute them to the entire mailing list, along with any other information which is appropriate for distribution.

Mr. Flynn can be reached at (202) 633-4926.

Sincerely,

JOSEPH E. DIGENOVA
United States Attorney

BY: /s/Royce C. Lambert
Chief, Civil Division

Armstrong, Teasdale, Kramer & Vaughn
Attorneys and Counselors
- 611 Olive Street-Suite 1950
St. Louis, MO. 63101
314/621-5070
TWX 910 761-2246

November 9, 1982

Richard W. Ross, Esq.
Asst. Attorney General
State Office Tower
30 East Broad Street
Columbus, OH 43215

Ms. Nina Loree Hunt
Asst. U.S. Attorney
75 Spring St., S.W.
Richard Russell
Bldg., Ste. 1800
Atlanta, GA 30335

Paul E. Skidmore, Esq.
The Univ. of Alabama
P.O. Box 6233
University, AL 35486

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Kohn, Bentley,
Wagner & Kane
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Ste. 620
San Francisco, CA
94104

Russell H. Gardner, Esq.
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Baltimore & Charles Sts.
Baltimore, MD 21202

Thomas B. Thomsen
Sidner, Svoboda,
Schilke, Wiseman,
Thomsen & Holthorff
505 Building
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505 N. Main Street
Fremont, NE 68025

Tybo Alan Wilhelms, Esq.
Bugbee & Conkle
Toledo Trust Bldg., 13th Fl
Toledo, OH 43604

J. Darrell Foster,
P.O. Box 760
Postsmith, VA 23705

Ms. Cheryl A. Foster
Spengler, Nathanson,
Heyman, McCarthy & Durfee
1000 National Bank Building
Toledo, OH 43604

John C. Callision, Esq.
Office of General Counsel
Vanderbilt University
Nashville, TN 37240

Re: Curtis L. Wrenn

Dear Counsel:

I appreciate the additional information I have received from several of you. I have filed a Request for Admissions in connection with the various documents I received from you last month. We will have to see what the plaintiff does and what the Court allows as I attempt to get this information into evidence.

I am also enclosing a new document we have prepared which generally lists the cases we are familiar with, the type of action in each of those cases, the purported discrimination date, the date the lawsuit was filed and the damages being sought by Mr. Wrenn as best we can determine. We will keep you advised as our case progresses.

Yours very truly,

ARMSTRONG, TEASDALE,
KRAMER & VAUGHN

/s/John H. Quinn

JHQ/jef
Enclosure

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone
November 7, 1985 (518)477-2508

RE: Freedom of Information Act
Request

Mr. William Bradford Reynolds
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
10th and Pennsylvania Avenue, NW
Washington, D. C. 20530

Dear Mr. Reynolds:

Reference is made to attached letter of December 6, 1983 signed by Royce C. Lamberth, subject: Employment discrimination cases filed by Curtis L. Wrenn.

The purpose of this letter is to respectfully request that you provide me with a copy of any and all information and/or documents compiled in connection with Attorney Lamberth's stated goal of "Our office is willing to become a clearing house for exchange of information which may be useful in defending these cases. Please send Mr. Flynn copies of any final decisions which you may obtain. he

will be happy to distribute them to the entire mailing list, along with any other information which is appropriate for distribution."

This request is made pursuant to the Freedom of Information Act, 5 U.S.C. Section 552. The information and/or data requested includes but is not limited to mailing lists, information provided to members of the list, information received from them, and any and all information compiled concerning lawsuits and/or charges of employment discrimination filed by Curtis L. Wrenn.

Thank you for your prompt attention to this matter.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P167139121

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APPENDIX R (with attachments)

Page 1 of 6 Pages

U.S. Department of Justice

WBR:WBF:wdw
DJ 170-58-145

Washington, D.C. 20530

12 JUL 1984

Curtis L. Wrenn
Post Office Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your letter of July 2, 1984 enclosing a copy of your letter of March 17, 1984 to Mr. Chester J. Gray, EEOC District Director in Cleveland. In your correspondence you request the intervention of the Department of Justice in obtaining injunctive relief against the State of Ohio, Ohio Department of Mental Health and Donald E. Widmann, M.D., former Commissioner of Mental Health, Ohio Department of Mental Health.

We have given careful consideration to your request; however, it is our determination not to file suit in this matter. As we pointed out to you

in our letter of March 31, 1983, the staff of our Section is relatively modest in size and we have nationwide responsibilities under several civil rights laws. Because of our limited resources we are unable to bring suit on behalf of most individual charging parties with claims of employment discrimination against state or local government employers. Rather, we must rely on the charging parties themselves to assist in enforcing Title VII by bringing their own suits in federal district court if they believe their claims to be meritorious.

Sincerely,

Wm. Bradford Reynolds
Asst. Atty. General
Civil Rights Division

By: /s/William B. Fenton
Deputy Chief
Employment Litigation
Section

P.O. Box 1691
Albany, NY 12201

March 13, 1986

RE: Wrenn v. State of Ohio

Mr. William Bradford Reynolds
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
10th and Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Reynolds:

Enclosed please find the following EEOC Letters of Determination in which the EEOC found "reasonable cause to believe that the allegation of race discrimination is true":

052791758	052821687
052811127	052821858
052831211	052831241
052931715	052820688
051823200	052830932
057321216	052823199
052831418	

Based upon the above reasonable cause findings, complaints were filed in the United States District Court, Toledo, Ohio. One of the complaints (Civil Action No. 83-493) is now being appealed to the six Circuit court of Appeals (Docket Number 86-3189). Because the respondent has demonstrated such blatant

acts of discrimination based on a pattern or
practice of denying me my civil rights, this is to
respectfully request the assistance and/or
intervention of the Justice Department. More
specifically, I would appreciate the Department
entering the case on my behalf.

Thank you for your assistance.

Sincerely,

/s/
Curtis L. Wrenn

U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

14 APR 1986

Curtis L. Wrenn
Post Office Box 1691
Albany, New York 12201

Re: Wrenn v. State of Ohio

Dear Mr. Wrenn:

This is in response to your letter of March 13, 1986 in which you request that the Department of Justice assist you or seek to intervene in complaints that you state you have filed in the United States District Court in Toledo, Ohio (including a case now on appeal to the Sixth Circuit) on 13 charges that you list in your letter.

Since the Department of Justice is not authorized to give legal assistance to private citizens or to represent them, we are unable to provide assistance to you in your cases. It is also our determination not to seek to intervene in your cases. As we have previously inform you in letter of March 31, 1983, December 15, 1983 and July 12, 1984, the staff of

our Section is relatively modest in size and we have nationwide responsibilities under several civil rights laws. Because of our limited resources we are unable to litigate on behalf of most individual charging parties with claims of employment discrimination against state or local government employers. Rather, we must rely on the charging parties themselves to pursue their own suits under Title VII if they believe their claims to be meritorious.

Sincerely,

Wm. Bradford Reynolds
Asst. Atty. General
Civil Rights Division

By: /s/
William B. Fenton
Deputy Chief
Employment Litigation
Section

APPENDIX G (with attachment)
Page 1 of 8 Pages

CURTIS L. WRENN
P.O. Box 1691
Albany, NY 12201

Telephone
October 1, 1986 (518)477-2503

Director -
Federal Bureau of Investigation
J. Edgar Hoover Building
9th and Pennsylvania Avenue, N.W.
Washington, D. C. 20535

Ladies and Gentlemen:

Please accept this letter and the attachments as
a formal charge and/or complaint against the
following individuals and/or organizations for
conspiring to interfere with my civil rights and/or
conspiring to violate my civil rights:

Royce C. Lamberth
Chief, Civil Division
United States Attorney, District of Columbia
U.S. Department of Justice
United States Courthouse, Room 2800
Constitution Avenue and 3rd Street, N.W.
Washington, D. C. 20001

Mr. Michael R. Miller, President
St. John's Medical Center
2727 McClelland Blvd.
Joplin, MO 64801

John H. Quinn, P.C.
Armstrong, Teasdale, Kramer & Vaughan
Attorneys and Counselors
611 Olive Street, Suite 1950
St. Louis, MO 63101

Board of Directors
Christian Hospital Northwest-Northeast
11133 Dunn Road
St. Louis, MO 63101

Richard P. Kusserow
Inspector General
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D. C. 20201

And other co-conspirators to be determined.

The above individuals and/or organizations have conspired to violate federal statute by conspiring to deprive and/or depriving petitioner of rights, privileges and immunities secured to him by the Constitution and laws of the United States. Petitioner, in the exercise of legal rights granted by the Congress of the United States (promulgated at Title VII of the Civil Rights Act, as amended (42 USC Section 2000e et seq)), has filed administrative complaints with the Equal Employment Opportunity Commission (EEOC) and the Department of Health and Human Services (DHHS) and lawsuits in federal district courts against employers who discriminated

against him by denying him employment because of his race.

The respondents' actions have included but not limited to:

(1) Hiding and abetting organizations which have discriminated against the petitioner.

(2) Making malicious allegations and/or false charges of criminal conduct on the part of the petitioner, while knowing the charges and/or accusations were false and not supported by any documents of any kind whatsoever.

(3) Conspired to cover up their illegal activities by denying, among other things, that any such charges and/or inquiries had been made against the petitioner and/or that any investigation was conducted of him.

(4) Conducting a malicious "character assassination" campaign against petitioner by libeling, slandering, defaming and stigmatizing him by publicly proclaiming that he was a dishonorable person who was involved in criminal activities by extorting money from hospitals and other health care

organizations.

The respondents have conspired to "blacklist" petitioner to prevent his employment in his chosen profession of hospital and health care administration by portraying him as a dishonorable health care executive.

The respondents' malicious false accusations and lies that petitioner committed criminal acts by extorting money were intentionally done to prevent his employment, and to prevent and/or interfere with and/or deprive him of the legal right to vindicate his civil rights against those who unlawfully discriminated against him by denying him employment in his chosen profession.

The respondents' calumniatory conduct was designed to publicly ridicule, belittle and stigmatize petitioner so as to deprive him of the benefits of gainful employment.

Through overt and covert action the respondents, through collusion and in concert, have used illegal and lawful means to deprive petitioner of his rights secured by the Constitution and laws of the United

States.

The respondents, through deceit, misinformation, false information and reports have defamed, libeled, slandered and stigmatized petitioner as a person professionally unfit for employment as an administrator in the profession of hospital and health care administration.

Petitioner, as a result of the unlawful activities of the respondents, has been denied the right of due process as secured by the Fifth and Fourteenth Amendments. Specifically, petitioner has been accused of criminal acts and conduct without a hearing or being able to confront his accuser(s). For the purpose of this charge "due process" is as defined by Daniel Webster who stated due process denotes law which hears before it condemns; which proceeds upon inquiry; and which renders judgment only after the trial.

The respondents have publicly incriminated petitioner without a hearing and without having any facts and/or documents to support their charges and/or allegations against him. Petitioner alleged

infraction of the law has not been shown and/or demonstrated by any facts, testimony or documents.

The malicious actions by the respondents to libel, defame, stigmatize and falsely accuse petitioner of criminal activities is "malum in se" (a wrong in itself) by the very nature of the acts.

The respondents through negligence, nonfeasance, indifference, and a total disregard for petitioner's rights under the Constitution and laws of the United States of America, have libeled and slandered him.

In summary, petitioner submits that his livelihood as a professional in the field of hospital and health care administration has been severely damaged if not destroyed by the malicious slanderous and libelous statement that "In one region, the Office of the Inspector General (OIG) is investigating a recipient's allegations that Mr. Wrenn engaged in unorthodox and unlawful efforts to secure financial gains or employment in return for nullifying his complaint with OCR." Moreover, the actual investigation and the nationwide rumors emanating therefrom have caused irreparable harm to

petitioner, including but not limited to
psychological and mental trauma, unemployment, and
social interaction with his professional peers.

Request the FBI conduct a full investigation of
my complaint herein

Very truly yours,

/s/Curtis L. Wrenn

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 16, 1985

Mr. Curtis L. Wrenn
Post Office Box 1691
Albany, New York 12201

This is to acknowledge receipt of your letter
dated October 4, 1985.

A copy of your communication has been
forwarded to the Assistant Attorney General, Civil
Rights Division, United States Department of
Justice, Washington, D. C. 20530.

If you have any further questions, you may
desire to communicate directly with the above-
mentioned official.

Director
Federal Bureau of Investigation

